

Report on the

Board of Examiners in Psychology

Montgomery, Alabama



Department of Examiners of Public Accounts

50 North Ripley Street, Room 3201
P.O. Box 302251
Montgomery, Alabama 36130-2251

Ronald L. Jones, Chief Examiner

STATE OF ALABAMA
Department of
EXAMINERS OF PUBLIC ACCOUNTS

Telephone (334) 242-9200
FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

July 11, 2007

Senator Larry Dixon
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

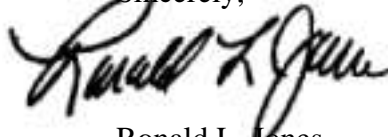
Dear Senator Dixon,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Examiners in Psychology in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Examiners in Psychology, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written over a horizontal line.

Ronald L. Jones
Chief Examiner

Examiner
Leah Veach

CONTENTS

PROFILE	1
Purpose/Authority	1
Board Characteristics	1
Operations	2
Financial.....	3
SIGNIFICANT ITEMS	4
STATUS OF PRIOR FINDINGS	4
ORGANIZATION	4
PERSONNEL	5
PERFORMANCE CHARACTERISTICS	5
SMART BUDGETING	8
FINANCIAL INFORMATION	11
Schedule of Fees	11
Schedule of Cash Receipts, Disbursements, and Balances.....	12
Receipts vs. Operating Disbursements	12
QUESTIONNAIRES	13
Board Members.....	13
Psychologist Licensees	16
Psychological Technician Licensees	22
Complainants	25
APPENDICES	27
SMART BudgetingForms.....	27
Statutory Authority	33
Board Members.....	78

PROFILE

Purpose/Authority

The Board of Examiners in Psychology was created by Act No. 535, *Acts of Alabama 1963*, to regulate the psychology profession in Alabama. This is accomplished by examining and licensing individuals who hold themselves out to be psychologists or psychological technicians. Current statutory authority for the board is the *Code of Alabama 1975*, Sections 34-26-1 through 34-26-66.

Board Characteristics

Members	Seven (7) <i>Code of Alabama 1975</i> , Section 34-26-21
Terms	Five-year staggered terms. No member can serve more than two consecutive terms. <i>Code of Alabama 1975</i> , Section 34-26-21
Selection	Five professional members are appointed by the Governor from a list of nominees provided by the executive committee of the Alabama Psychological Association. One professional member is appointed by the Governor from a list of four nominees provided by the Alabama Association of Masters in Psychology. One public member is appointed by the Governor from the public at large. <i>Code of Alabama 1975</i> , Section 34-26-21
Qualifications	Two must be academic psychologists who are licensed psychologists, members of the faculty of an accredited college or university, with the rank of assistant professor or above primarily engaged in teaching, research, or administration of psychology. Three must be licensed practicing psychologists. One must have a master's degree in psychology and shall be a licensed psychological technician or qualified for licensure as a psychological technician. One must be a member of the general public, an Alabama resident who is not licensed by the board, and whose spouse, if married, is not licensed by the board. <i>Code of Alabama 1975</i> , Section 34-26-21

Racial Representation	The public member must be black. Currently, there is 1 black member. <i>Code of Alabama 1975</i> , Section 34-26-21(b)(2)
Geographical Representation	No statutory requirement
Other Representation	No Statutory Requirement
Compensation	No compensation Per diem and travel allowance as paid to state employees for each day's attendance at official meetings of the board. <i>Code of Alabama 1975</i> , Section 34-26-21(f)

Operations

Chief Executive Officer	Kathy Cawood Executive Officer Annual Salary of \$35,600 The executive officer is appointed by and serves at the pleasure of the board. The board is responsible for setting the officer's salary. <i>Code of Alabama 1975</i> , Section 34-26-21(f)
Location	660 Adams Avenue, Room 360 Montgomery, AL 36104
Examinations	National exam given on a continuous basis in Birmingham, Decatur, Dothan, Mobile, and Montgomery. <i>Code of Alabama 1975</i> , Section 34-26-41(4)
Licensees	As of March 31, 2007 <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">Psychologists</div> <div>811</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">Psychological Technicians</div> <div>24</div> </div>
Renewals	Annually, October 15 <i>Code of Alabama 1975</i> , Section 34-26-22(a) On-line license renewal is not available.
Reciprocity	Yes, Limited <i>Code of Alabama 1975</i> , Section 34-26-41(c)

Continuing Education	20 hours per year for psychologists 10 hours per year for psychological technicians <i>Code of Alabama 1975</i> , Section 34-26-22(b)
Employees	4 part-time contract employees
Legal Counsel	Matthew L. Beam Deputy Attorney General, hired by contract
Subpoena Power	Yes, both records and persons <i>Code of Alabama 1975</i> , Sections 34-26-22 and 34-26-47
Internet Presence	http://www.psychology.state.al.us The board's website includes <ul style="list-style-type: none"> • Meeting schedule • Fee schedule • Complaint form with procedures for filing • Application information • Licensure requirements • Continuing education information • Enabling statutes and administrative code
Attended Board Member Training	3 members attended the 2006 Board Member Training Session.

Financial

Source of Funds	Licensing Fees
State Treasury	Yes, Special Revenue Fund 0406 <i>Code of Alabama 1975</i> , Section 34-26-43
Unused Funds	Retains unused balance

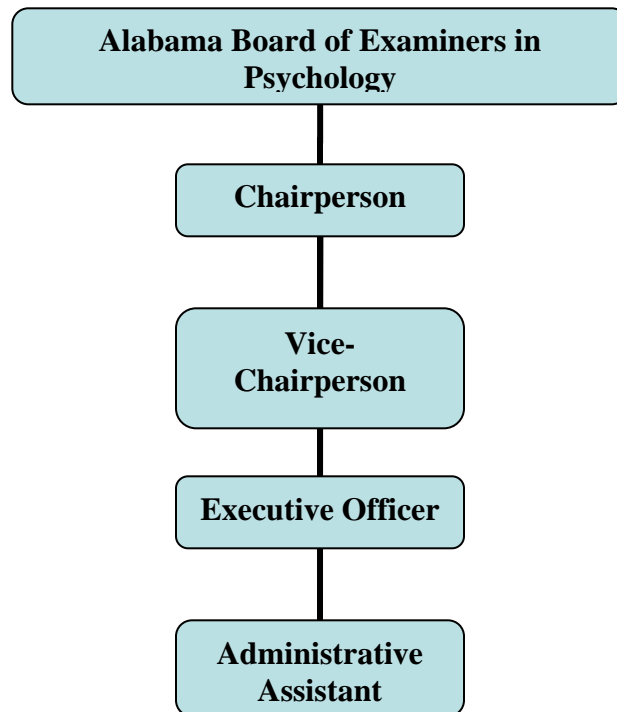
SIGNIFICANT ITEMS

There are no significant items to report.

STATUS OF PRIOR FINDINGS

There are no unresolved prior findings.

ORGANIZATION



PERSONNEL

<u>Number</u>	<u>Position</u>	<u>Race/Gender</u>
1	Executive Officer	White, Female
1	Administrative Assistant	White, Female
1	Compliance Officer	White, Male
1	Investigator	White, Male

All of the board's employees are part-time, contract employees. As such, none are Merit System employees.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 209

Expenditures per Licensee 2005-06 fiscal year -\$144.88

Regulation In Conjunction With Other Entities

None; however, licensing of psychiatrists, psychologists, counselors, marriage and family therapists, and social workers occurs in Alabama, each by a separate board. These professions all address in some way the mental health of persons.

Number of Persons per Licensee in Alabama and Surrounding States

(as of January 31, 2006)

State	Population*	# of Licensees	Persons per Licensee
Alabama	4,599,030	835	5,507
Florida	18,089,888	3,911	4,625
Georgia	9,363,941	2,114	4,429
Mississippi	2,910,540	385	7,559
Tennessee	6,038,803	1,879	3,213
*U.S. Census July 2006 estimate			

Complaint Process

Initial Documentation	Upon Inquiry, the complaint form and complaint procedures are sent to the individual wishing to file the complaint. Once the board receives the completed complaint form, the form is date stamped. The executive director then verifies the licensure status of the person complained against.
Investigative Members	If the person complained against is licensed, the executive officer appoints a board member or members to serve on an investigative committee with the executive officer and legal counsel. The executive officer and legal counsel are non-voting members of the committee. The complainant is then notified that an investigative committee has been appointed. If the complaint concerns an area outside of the board's jurisdiction, the board sends a non-jurisdiction letter to the complainant and, if applicable, the complaint is forwarded to the appropriate agency.
Investigation	If the investigative committee considers the complaint appropriate for investigation, it recommends a course of action regarding investigation. An investigator under contract with the board conducts the investigations. In most cases, the licensee is informed in writing of the nature of the complaint and is given an opportunity to respond. When a complaint is against a person supervised by a psychologist, the supervisor may be contacted. If a written complaint has been investigated and is considered to be without merit (no probable cause for a disciplinary hearing) the licensee and the complainant are notified that there has been a finding of "no probable cause" and the file is closed. If the investigative committee finds probable cause for a disciplinary hearing, the board counsel files administrative charges and a formal hearing is held to present the evidence to the full board.
Informal Settlement	After the filing of administrative charges, the licensee and the licensee's attorney, if represented by counsel, may meet with the board's attorney to determine whether a settlement of the complaint may be reached. If the meeting results in a settlement agreement, the licensee signs a consent agreement. The agreement is reviewed by the full board during executive session at a public meeting of the board. A vote to accept, reject, or modify the agreement is taken in public session at the board's meeting. If a final settlement is reached and signed by all parties, it is maintained in the licensee's public discipline file at the board's office. The licensee's name is included in the public cumulative list of disciplinary actions and reported to the Association of State and Provincial Psychology

	Board's Disciplinary Data Bank and other regulatory agencies. Once the settlement has been reached and all reporting matters have been settled, the board sends the complainant a letter informing him or her of the settlement agreement, along with copies of all public reprimand and/or reporting documents.
Formal Hearings	<p>If settlement is not reached and a formal hearing is conducted, the following procedures are observed:</p> <ol style="list-style-type: none"> 1) A notice of the administrative complaint including the statement of charges, notice of hearing and explanation of rights is sent in writing to the last known address of the licensee. The complaint is forwarded by certified mail. 2) The licensee is given a minimum of twenty days written notice of the charge(s) against him/her and the date, time, and location of a public hearing for the board to consider the evidence in the case. 3) A transcript of the hearing is officially recorded by a court reporter. 4) At the hearing, either the full board convenes or the board appoints a hearing officer. If the board convenes, a quorum of the board is required. If the board appoints a hearing officer, the hearing officer has the authority to determine pre-hearing matters such as motions, subpoenas, etc., preside over the hearing, and issue recommendations to the board as to whether disciplinary action should be imposed.
Anonymous Complaints	The board does not accept anonymous or oral complaints.
Investigative Board Member	The individual board member(s) present at the formal hearing who assisted with the investigation does not participate in the deliberations of the board and does not vote on the disciplinary action to be taken by the board.
Final Order of the Board	After a review of all evidence, the board votes to determine whether violations of the law and/or rules and regulations have occurred. If the board finds that the administrative charges are proven against the licensee, then the board determines the discipline to be imposed. A formal vote on the discipline occurs during a public session. The board issues a final order that contains the findings of fact and conclusions of law pertinent to the case. Any disciplinary action adjudged appropriate by the board is forwarded by certified mail to the licensee, to the complainant, and to other relevant regulatory bodies within 30 days following final order by the board.

Complaint Resolution

Schedule of Complaints Received Resolved October 1, 2002 through September 30, 2006			
Fiscal Year	# Complaints Received	# Complaints Resolved	Pending
2003	10	10	0
2004	8	6	2
2005	10	10	0
2006	6	6	0

Two of the complaints received in 2004 were not resolved. According to board records, one is pending criminal charges, and one is in litigation. Final resolution of the complaints cannot be reached until the courts settle the legal matters in question. Any conviction by the courts will be conclusive evidence in the board's cases against the licensees for suspension or revocation of the licenses.

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board submits rule changes for public notice to the Administrative Monthly in accordance with the requirements of Alabama's Administrative Procedure Act. No special effort is made to inform licensees of rule changes, unless the licensee is directly affected by the change.

SMART BUDGETING

Acts of Alabama, 2004-50 (HJR89) states, "That all state agencies and entities receiving legislative appropriations are requested to submit to the Joint Legislative Budget Committee budget proposals in performance based budget language and form. This request is applicable for proposals for the 2005-2006 fiscal year to be submitted to the 2005 Regular Session and for each succeeding fiscal year. The Director of Finance is requested to inform each public agency or entity of our desires concerning this matter."

To comply with this request, the Director of Finance implemented a system of budgeting that requires each agency to report its performance, the system to be named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent.

As a part of the SMART Budgeting system, each agency is required to submit its goals and objectives to the Department of Finance – the goals to be stated as long-term, multi-year targets which are to be achieved through accomplishment of stated objectives, which are single-year targets. In order to report progress, the goals and objectives must necessarily be designed so that the agency can measure annual progress toward their achievement. The SMART Budgeting system includes an Operations Plan and a Quarterly Performance Report. The performance report presents information on

achievement of an agency's annual objectives, and is the SMART Budgeting report that presents performance information. If an agency has not included at least one objective for each goal, performance relative to that goal will not be reported. For the 2006 fiscal year, each licensing/regulatory agency was required to have at least one goal and one or more objectives directly related to the goal. Additional annual objectives were allowed without corresponding goals. The board's SMART budgeting goals for 2006 and 2007 and the final Quarterly Performance Report for 2006 are presented in the appendices of this report.

Among agencies that were not used to reporting performance, we found confusion as to how to design the goals and objectives and how to differentiate between goals and objectives. Routinely we found goals with no directly related objectives. Both goals and objectives were often too abstract to be measurable, and progress toward their achievement could not be meaningfully reported. The Department of Finance is aware of these deficiencies and is taking remedial steps.

In these respects, the Board of Examiners in Psychology was no exception. Some goals were not accompanied by directly related objectives. Some goals and objectives were abstract, and progress toward their achievement could therefore not be measured and reported.

The board's SMART Operations Plans for 2006 and 2007 fiscal years and the SMART Quarterly Performance Report for the 2006 fiscal year are included in the appendices of this report.

The board's performance goals and objectives for 2006 and 2007 fiscal years and the examiner's comments are presented in the following table.

2006 Goal	Comments
To continue to provide the best possible service for our licensees & consumers of psychological services	The goal is too vague to be measured and does not address the performance of any activity of the board.

2006 Objectives	Reported	Comments
Continue to be efficient as possible. (from SMART Operations Plan)	\$150.17	This objective as stated in the board's SMART Operations Plan does not provide a measurable performance target for any of the board's activities. Changed on the performance report to, "Maintain annual cost per licensee to less than \$275.

Continue to provide quality services to licensees & consumers. (from SMART Operations Plan)	62 applications processed	This objective as stated on the SMART Operations Plan does not provide a measurable performance target for any of the board's activities. The objective was changed on the performance report to, "Process applications in a timely manner." There is no target performance objective to compare with actual performance. Consequently, the data presented does not indicate whether applications were processed in a timely manner.
---	---------------------------	--

2007 Goals	Comments
To initiate on the date of receipt investigations of consumer complaints against licensed psychologists and to conclude those investigations as quickly as all facts can be collected.	There are two goals, initiate on date of receipt , and conclude investigations quickly . There is no measurable, long-term performance target for either goal. As there is no directly related objective, performance for the goal will not be reported.
To process all applications for licensure with strict adherence to the requirements for licensure and renewal of licensure as stated in the Board's law and Administrative Code as quickly as the required documentation is received in an effort to ensure that minimum standards of education and training have been met.	There is no measurable, long-term performance target. No objectives directly relate to this goal, so performance for this goal will not be reported.

2007 Objectives	Comments
To hold costs per licensee to lowest possible level	There is no target cost per licensee named in the objective, so reported data will not indicate whether the objective has been met.

Provide highest possible quality services to licensees and consumers	This objective does not provide a target performance level for the quality of any of the board's activities, so reported data will not indicate whether the objective has been met.
--	---

FINANCIAL INFORMATION

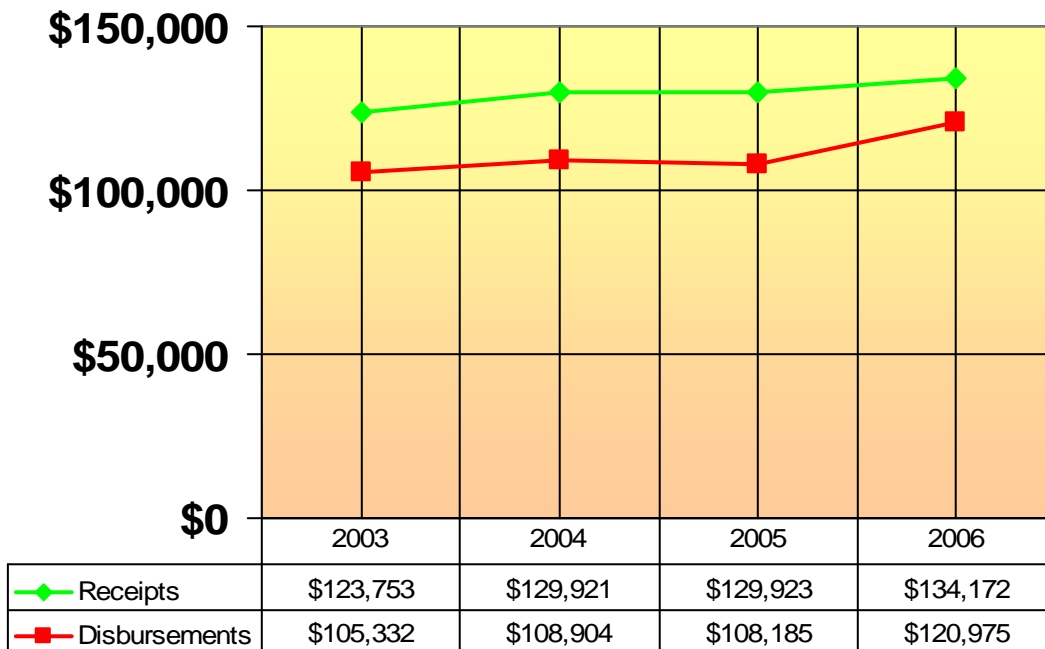
<u>Schedule of Fees</u>			
			Statutory
			Authority
	Amount	Amount	<i>Code of Alabama</i>
Fee Type	Collected	Authorized	<i>1975</i>
Application Fee	\$200.00	Up to \$200.00	34-26-43
Application Fee (PT)	\$130.00	Up to \$140.00	34-26-43
Examination Fee (EPPP)	\$350.00	Actual Cost	34-26-43.1
Prof. Standards Exam	\$ 50.00	Actual Cost	34-26-43.1
Renewal	\$100.00	Up to \$150.00	34-26-22 (a)
Renewal (PT)	\$ 65.00	Up to \$100.00	34-26-22 (a)
Continuing Education Fee	\$ 50.00	"Reasonable Fee"	34-36-22 (b)
Roster of Licensees	\$ 12.00	"Nominal Charge"	34-26-22 (a)
Roster of Licensees (PT)	\$ 10.00	"Nominal Charge"	34-26-22 (a)
Replacement Certificate	\$ 15.00	Cost Recovery	
Mailing Labels	\$ 15.00	"Nominal Charge"	34-26-22 (a)
Copy of Rules & Regulations	\$ 10.00	Cost Recovery	
Renewal Card Replacement	\$ 5.00	Cost Recovery	

Schedule of Cash Receipts, Disbursements, and Balances

For the Period October 1, 2002 through September 30, 2006

	<u>2005/06</u>	<u>2004/05</u>	<u>2003/04</u>	<u>2002/03</u>
Receipts				
Licensing Fees	\$134,171.79	\$129,922.65	\$129,921.00	\$123,752.75
Operating Disbursements				
Personnel Costs	64,174.26	60,050.38	55,830.82	55,810.15
Employee Benefits	4,909.34	4,593.85	4,271.07	4,269.48
Travel In-State	4,039.74	5,008.36	4,892.12	6,815.57
Out-of-State Travel	14,629.25	7,082.75	10,385.08	4,781.89
Repairs and Maintenance	648.00	648.00	451.27	448.89
Rentals and Leases	10,354.80	10,524.90	10,384.75	12,779.75
Utilities and Communications	4,943.56	4,996.53	5,449.88	5,205.24
Professional Services	7,995.00	6,652.75	3,662.14	7,909.37
Supplies, Materials, and Operating	5,920.67	6,828.34	6,425.01	7,312.07
Other Equipment Purchases	3,360.00	1,799.06	7,151.50	
Total Operating Disbursements	120,974.62	108,184.92	108,903.64	105,332.41
Excess (Deficiency) of Receipts over Disbursements	13,197.17	21,737.73	21,017.36	18,420.34
Cash Balance at Beginning of Year	181,808.81	160,071.08	139,053.72	120,633.38
Cash Balance at End of Year	195,005.98	181,808.81	160,071.08	139,053.72
Reserved for Year-End Obligations	2,208.72	4,055.72	5,504.01	5,136.95
Unobligated Cash Balance at End of Year	\$192,797.26	\$177,753.09	\$154,567.07	\$133,916.77

Receipts vs. Operating Disbursements



QUESTIONNAIRES

Board Members

Of the 7 board members sent questionnaires, 4 responded.

Question #1

What are the most significant issues currently facing the Board of Examiners in Psychology, and how is the board addressing these issues?

- Change and improvements in laws. See below.
- – The board is functioning well. We would further improve functioning by introducing & updating technology & fully using the Internet
- Mobility of psychologists from one state to another remains a crucial problem that has not been resolved satisfactorily. Canada is ahead of us with their policies concerning mobility.
- Trying to improve protection of public from unlicensed practitioners. Currently examining frequency of complaints in this area, and overlap & uniqueness between similar professions (e.g., psychologists, social workers, counselors).
- 1) Regulation of practice of psychology and protecting public from individuals inadequately trained or qualified. We have formed a committee to address issues and summarize options for covering these concerns. 2) Mobility issues for psychologists. We are tracking other states' responses, looking at options. 3) Management of individuals inadequately trained/not licensed. Potential fines may not be enough of sanction to prevent them from continuing. We are beginning to discuss this and ways to better protect public.

Question #2

What changes to the board's laws are needed?

- 1) Subpoena power. 2) To increase ability of board to stop unlawful practice of psychology, increase penalties for individuals practicing psychology without license. 3) Remove laws allowing individuals employed by state to be allowed to use "psychologist" when they are not licensed psychologists.
- – Improve mobility of psychologists, as well as a more efficient process for temporary licensure (we need to look at aspects of reciprocity with other states).

Board Member Questionnaire

- The position of psychological technician on board is difficult to fill & the pool from which to draw is very small. We may have to revisit this.
- Increase in the limits for fines for unlicensed practice to \$500 - \$5000.
- Possible revision/review of qualifications of masters level and public members of board. Limited availability of potential appointees could affect board's ability to do business at times.

Question #3

Is the Board of Examiners in Psychology adequately funded?

Yes	4	No		Unknown		No Opinion	
-----	---	----	--	---------	--	------------	--

- The board is funded from license renewal of psychologists – not from State general fund.
- At the present time. This could change with rising legal fees/proceedings.

Question #4

Is the board adequately staffed?

Yes	4	No		Unknown		No Opinion	
-----	---	----	--	---------	--	------------	--

- We have privileged to have the services of two highly skilled, very effective staff members.
- Staff does an outstanding job!

Question #5

What is the purpose of your fiscal year-end balance of unobligated funds?

- Board must be self-sufficient financially. Funds are generated through fees. Unspent funds, if any, are carried over to next year to have available for unanticipated expenditures that board may encounter in coming year.
- The fiscal year-end balance is available for expenses that may be incurred for legal fees (also for the following year). There is always uncertainty as to the extent of these fees. The balance also ensures the effective completion of tasks assigned to board.

Board Member Questionnaire

- Roll-over to continue funding for subsequent years. The board is funded by licensees without any money from the state budget. Future investigations or hearings could result in considerable expenses and our balance helps ensure that we can meet these financial demands.
- To cover costs of conducting investigations, hearings, and legal expenses that can't be anticipated with certainty each year. These expenses/expenditures vary and are affected by number of complaints, etc.

Psychologist Licensees

Of the 75 licensees sent questionnaires, 51 responded.

Question #1

Do you think regulation of your profession by the Board of Examiners in Psychology is necessary to protect public welfare?

Yes	50	No		Unknown		No Opinion	1
-----	----	----	--	---------	--	------------	---

- Unfortunately

Question #2

Do you think any of the board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	5	No	43	Unknown	3	No Opinion	
-----	---	----	----	---------	---	------------	--

- I agree with the need to regulate use of technicians to avoid abuse, however, the board's wording is overly restrictive in my opinion.
- Rule regarding administration of MMPI – requiring Ph.D. in office at time of test.

Question #3

Do you think any of the board's requirements are irrelevant to the competent practice of your profession?

Yes	9	No	38	Unknown	2	No Opinion	2
-----	---	----	----	---------	---	------------	---

- EPPP
- Some, not all

Question #4

Are you adequately informed by the Board of Examiners in Psychology of changes to and interpretations of board positions, policies, rules, and laws?

Yes	40	No	2	Unknown	7	No Opinion	2
-----	----	----	---	---------	---	------------	---

- Used to get newsletter – would like more info on the website

Question #5

Has the board performed your licensing and renewal in a timely manner?

Yes	51	No		Unknown		No Opinion	
-----	----	----	--	---------	--	------------	--

- Most definitely!

Question #6

Do you consider mandatory continuing education necessary for competent practice?

Yes	44	No	7	Unknown		No Opinion	
-----	----	----	---	---------	--	------------	--

- It is often about money and not learning.
- But the number of CE credits required (20/yr) seems excessive.
- No. My answer to #8 is the better approach I think. The individuals I describe there will naturally want a quality continuing ed. Others will simply go to mandatory ed offerings which are at hand or allow banality in their involvement.

Question #7

Has the Board of Examiners in Psychology approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	49	No	1	Unknown		No Opinion	1
-----	----	----	---	---------	--	------------	---

- The over restrictive position of home study courses having to be APA approved, even when in the past various providers have had state approval, eliminates some good providers for CEUs.

Question #8

What do you think is the most significant issue(s) currently facing your profession in Alabama, and what is the board doing to address the issue(s)?

- 1) Medicare reimbursement 2) Prescribing privileges 3) Regulation of psychology and non-psychology, i.e., LPCs doing what they claim to be psychological evaluations 4) Disability determination accepting LPC evaluation as mental health/psychological evaluations.
- Managed care restrictions & cuts in fees for services permitting psychologists to supervise other professions in providing some services

Psychologist Licensee Questionnaire

- Prescription privileges for psychologists and managed care
- I am licensed in two states. Alabama is by far the most responsive to answer questions, guiding to places where questions can be answered, etc. Being one of the few providers in a 50 mile range, that connectedness is extremely important.
- Identity is being taken by other professions. None.
- Ensuring licensed psychologists are appropriately trained and practice ethically. Assess qualifications of applicants prior to licensure and address any ethics complaints made.
- Securement of prescription privileges for psychologist – unaware of any significant action by board.
- DK
- N/A
- ?
- Prescription privileges – unsure
- Ø
- Reimbursement of Medicare cuts
- Granting of prescription privileges. The board is researching the pros and cons of such privileges.
- Prescription privileges and mental health parity – they are actively involved.
- Need for better policing of inadequately trained masters level providers of mental health services
- Prescriptive privileges – not sure what is being done.
- Prescription drug privileges – don't know.
- Lack of mental health services for children & adolescents – do not know what the Board is doing regarding this issue.
- I have been satisfied to date.

Psychologist Licensee Questionnaire

- 1) Insurance companies dictating care, i.e., number of visits & limited psychological testing coverage 2) Prescription privileges for appropriately trained psychologists in AL.
- One of the primary issues for psychology is to ensure that *all* persons using the title of psychologist have completed the required education, training, and internship courses and have the necessary degrees from accredited institutions to document such completion. The Board must also ensure that psychologists, and only psychologists, practice in their area of expertise. The board must also function as a regulatory body for psychologists to resolve any complaints or allegations of unethical practice of psychology.
- Prescription privileges; unknown
- Insurance reimbursement to psychologists – most action at national level
- 1) Health insurance parity 2) Prescription privileges 3) Adequate compensation for services – particularly salaried positions. I know of nothing the board is doing regarding these issues.
- What to do w/ unlicensed people who present themselves as psychologists. Don't know because the law is VERY mild-mannered re this.
- I would like to see post-doctoral hours of supervision required as in almost all other states.
- The issue of mental health and physical health being equal in the eyes of the insurance companies. I think the Board is limited – they can only educate the Legislature.
- Prescription privileges for psychologists – Don't know
- I am not a clinical psychologist – so I do not get involved w/ such issues.
- Medication privileges
- As in the past and now, the most difficult issues for psychologist in Alabama are providing the general public, governing bodies, and insurance companies with the information to know the psychologist's education and training is considerably more extensive than others who provide similar services, such as counselors, social workers, and other therapist. Our board represents us in hearings, keeps us informed of new issues, and does an excellent job of screening those who become licensed as psychologists.
- With Georgia about to certify prescription privileges, psychologist in Alabama must also seek these privileges too. Board has not addressed this issue.

Psychologist Licensee Questionnaire

- Ensuring insurance coverage for our services
- We need prescription authority. I'm not sure what the board is doing.
- 1) Mental health parity issues. 2) Prescriptive authority for psychologists. I do not think the board can directly address these issues.
- Standards for licensure should be much higher. Psychologists are placed into positions from which they can have significant influence on how individuals and society think, value, & achieve. Psychologists, therefore, should be among the brightest & most creative people in the society. Many psychologists are narrow-minded dim bulbs who replicate trivial dogmatisms and are incapable of critical thought. Psychologists should be students of philosophy, sociology, and the arts. They must be independent thinkers, well-read, rational, & (*illegible*). Abstract conceptual ability is an essential trait. An IQ of at least 135 should be required. They must pass examinations not only in psychologist theory & practice, but also literature, ethnology, philosophic inquiry, history of ideas, scientific method, alternative epistemology, religious studies. They must be examined and pass oral exams that test ability to think creatively in unstructured systems. They must be masters of dialogue, communications, & analysis. Above all, they must show authoritative curiosity & enthusiasm for meaning & ideas in their personal lives. They must be critics of their host culture rather than merely being a part of it. They must have a capacity for the full range of human experience, non-fundamentalist, flexible, and in love with life, delighted with mystery, and champions of diversity & dialectical synthesis. They must be introverted and immune to herd instincts, automatic behaviors, & duplication of their social surroundings. They must possess rebellious sentiments and abhor utilitarian compromise. They must be brave & provocative, enjoying questions more than answers, and flow (*illegible*) and revolution more than certainty. They must consider their lives as works of art, as well as the lives of others. They must attack monoliths & cultural truths, encourage sacrilege, & negotiate toward release rather than commitment or security.
- Parity – mental health reimbursement and access to service.
- Reciprocity of licensure with other states. Temporary licensure to evaluate clients or to testify in court cases.

Question #9

Do you think the board and its staff are satisfactorily performing their duties?

Yes	44	No	2	Unknown	2	No Opinion	3
-----	----	----	---	---------	---	------------	---

- Sometimes have been less than helpful, rigid and not as cooperative as would like
- Very much so!
- [REDACTED] [REDACTED] has always been timely and helpful when I've had questions.
- However, the record keeping system is archaic. Renewing my membership was challenging, as I am overseas. It would have been more helpful to send my renewal form by e-mail with a credit card payment.

Question #10

Has any member of the Board of Examiners in Psychology or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

Yes		No	51	Unknown		No Opinion	
-----	--	----	----	---------	--	------------	--

Psychological Technician Licensee Questionnaire

Psychological Technician Licensees

Of the 27 licensees sent questionnaires, 12 responded.

Question #1

Do you think regulation of your profession by the Board of Examiners in Psychology is necessary to protect public welfare?

Yes	12	No		Unknown		No Opinion	
-----	----	----	--	---------	--	------------	--

Question #2

Do you think any of the board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	7	No	4	Unknown		No Opinion	1
-----	---	----	---	---------	--	------------	---

- It is my opinion that more latitude should be given to professionals licensed as psych techs for psychological therapies.
- That the LPT license requires supervision for the life of one's career
- Other than constant CE submissions and rigorous standards for acceptable continuing ed (i.e., want outline, speakers, content, etc. for APT). LPC & NBCC does not ask for that if it has NBCC approval.
- Only this: I am licensed at the master's level. Those with similar degree levels and licensure have more freedom and professional recognition than a psychological technician (i.e., LPCs, LSWs). LPCs and LSWs can practice *independently* after requirements are met.

Question #3

Do you think any of the board's requirements are irrelevant to the competent practice of your profession?

Yes	5	No	7	Unknown		No Opinion	
-----	---	----	---	---------	--	------------	--

- The continued supervision for LPT even after 10+ years of practice.
- Yearly CE requirements that could be done less often. My LPC requires every 2 years. My NBCC requires every 5 years. They are very restrictive on CE acceptable programs – wanting brochures, etc., that other licenses do not ask for.
- I think irrelevant isn't the right word. Continuing from question 2. Psychological

Psychological Technician Licensee Questionnaire

techs are not allowed to practice without supervision no matter how many years or hours of experience one has. LPTs should have equal or more recognition for our education & experience.

- Too strenuous control over master's level practitioners

Question #4

Are you adequately informed by the Board of Examiners in Psychology of changes to and interpretations of board positions, policies, rules, and laws?

Yes	12	No		Unknown		No Opinion	
-----	----	----	--	---------	--	------------	--

- So far

Question #5

Has the board performed your licensing and renewal in a timely manner?

Yes	12	No		Unknown		No Opinion	
-----	----	----	--	---------	--	------------	--

Question #6

Do you consider mandatory continuing education necessary for competent practice?

Yes	12	No		Unknown		No Opinion	
-----	----	----	--	---------	--	------------	--

- But not annually. I suggest every 2 or 5 years.

Question #7

Has the Board of Examiners in Psychology approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	10	No	1	Unknown	1	No Opinion	
-----	----	----	---	---------	---	------------	--

- Could provide more

Question #8

What do you think is the most significant issue(s) currently facing your profession in Alabama, and what is the board doing to address the issue(s)?

- Public awareness regarding psychological technicians. LPCs and LCSWs have more exposure – plus, our requirements for supervision are cost prohibitive.

Psychological Technician Licensee Questionnaire

- Not recognizing the APT licensure. The name is not very recognized/respected.
- Keeping LPT licensure
- The LPT license restricts the practice of individual therapy. Other similar license permits this practice in other professions. This is an undue hardship that makes master-level psychology less marketable & profitable. I feel this license restriction needs to be lifted in order to advance the field.
- Health care regulations and problems associated with insurance payments regarding mental health issues. Mental health has not been recognized by government or insurance professionals as a true need. Many who need help can't afford it b/c of limited or nonexistent insurance coverage.
- Licensing of master's level practitioners and their limited scope of practice. Board has not upgraded this since MAs were licensed in 1998.
- The LPT licensure is not adequate to protect practice at the Master's level. Bachelor's level people can do everything we do and require no documentation of supervision or continuing education. Also, most employers prefer LPC or LCSW because their licensure allows them more freedom in independent practice. They also are able to practice without supervision after their requirements are met. The LPT laws need to be strengthened to both protect and promote our practice, since counseling and social work are able to do the jobs we are better trained to do.

Question #9

Do you think the board and its staff are satisfactorily performing their duties?

Yes	11	No		Unknown	1	No Opinion	
-----	----	----	--	---------	---	------------	--

- Most of the time – some delays
- Staff, yes – Board, unknown

Question #10

Has any member of the Board of Examiners in Psychology or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

Yes		No	12	Unknown		No Opinion	
-----	--	----	----	---------	--	------------	--

- The majority of license holders in Alabama w/ Board of Examiners in Psychology are psychologists with doctoral degrees. LPTs have been licensed a relatively short time in comparison with LPCs and LSWs. This is probably more of a competition struggle w/in the profession than with the Board.

Complainants

Of the 21 complainants sent questionnaires, 11 responded.

** Questions 1 and 3 allowed more than one response.

Question #1

Was your complaint filed with the Board of Examiners in Psychology by:

Mail	9	Phone	3	Fax		Other		Unknown	1
------	---	-------	---	-----	--	-------	--	---------	---

Question #2

Was receipt of your complaint promptly acknowledged?

Yes	9	No	1	Unknown	1
-----	---	----	---	---------	---

If yes, approximately how long after you filed your complaint were you contacted by the Board of Examiners in Psychology?

Immediately		Within 10 days	2	Within 20 days	
Within 30 days	3	More than 30 days	2	Unknown	2

- After the next scheduled meeting
- Yes, but slow

Question #3

Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable	3	Courteous	3	Neither	1	Unknown	5
---------------	---	-----------	---	---------	---	---------	---

- Did not receive anything other than acknowledgement of complaint
- More gratuitous than anything. Feigning empathy. When we called we described how Dr. was using bizarre methods for treating our daughter from the very beginning.

Question #4

Did the board communicate the results of investigating your complaint to you?

Yes	6	No	4	Unknown	1
-----	---	----	---	---------	---

- Short letter that didn't say much acknowledgement

Question #5

Do you think the Board of Examiners in Psychology did everything it could to resolve your complaint?

Yes	1	No	6	Unknown	4
-----	---	----	---	---------	---

- Took a minimalist approach watching after the interest of the psychologist rather than the victim

Question #6

Were you satisfied with your dealings with the board?

Yes	1	No	9	Unknown	1
-----	---	----	---	---------	---

- Would have liked to have known the outcome of the complaint.
- I don't recall ever making a complaint.
- I do not believe an investigation occurred, as the practitioner has still failed to meet the legal requirements and legal proceedings are still occurring.
- I made a legitimate complaint. After which I was notified that the claim was not going to be acted on. I was never contacted to give additional information. No details as to why the decision was made were given to me. I do not believe that any investigation took place. Without an investigation, no real conclusion of any kind could be reached.

Professionally, it would have been good if I had some idea that some sort of an investigation took place if any. Personally, I think that the paperwork sat on someone's desk for a while and then a rejection letter was just sent.

- Would like to review response from [REDACTED] [REDACTED]! You heard my side & her side! Now I want to know how you got results.
- We thought their actions were going thru the motions without real concern for protecting the public from an acknowledged pedophile. Key points: dismissive of "grooming" behavior, defensive about removing license privilege, didn't investigate background from previous offenses in state of Virginia.

APPENDICES

SMART Budgeting Forms

State of Alabama		AGENCY NAME: AL Board of Examiners in Psychology		Agency No. 331	
EBO Form No. 4b		FY 2006 SMART OPERATIONS PLAN		Page 1 of 1	
		ACTUAL FY04	BUDGET FY05	BUDGET FY06	
MISSION	To provide an efficient & effective system of regulating the practice of psychology. Governor's Priority #1, Code of Alabama Chapter 26, 34-26-1 et seq.				
VISION (Optional)					
VALUES (Optional)					
CRITICAL ISSUES (Optional) Internal External					
PROGRAM	663 Professional & Occupational Licensing & Regulation (\$ in Thousands)				
ACTIVITY	0455 Licensure & Regulation of Psychologists & Psychological Technicians (\$ in Thousands)	107,124	179,264	224,783	
MISSION	See Above				
GOAL(S)	To continue to provide the best possible service to our licensees & consumers of psychological services.				
WORKLOAD	We will continue to expend only those funds absolutely necessary to carry out our mission.				
CRITICAL ISSUES Internal External	None None				
OBJECTIVES					
Spending	Increase administrative spending by no more than 2%. (\$ in Thousands)	107,124	179,264	224,783	
Staffing	Operate the Board office with four part-time employees. (\$ in _____) (FTE)	1.5	1.5	1.5	
Efficiency	Continue to be as efficient as possible.				
Quality	Continue to provide quality services to licensees & consumers.				
STRATEGIES	Continue to strive to monitor the effectiveness of our efforts & be prepared to correct any activity that does not produce optimal results. Respond to 100% of consumer complaints.				

Smart Quarterly Performance Report											
Fiscal Year: 2006											
Agency: Psychology, Alabama Board of Examiners in 331											
Org:											
Program: PRO AND OCCU LICENSING AND REG 653											
Activity: LICENSURE & REGULATION OF PSYC 0455											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Number of license renewals	# License Renewals	748	794	0	3	0	0	0	0	748	797
WC2: Number of applications reviewed	Applications Reviewed	15	7	13	21	13	7	13	17	54	52
WC3: Number of licences issued	License Issued	12	5	12	23	11	14	11	9	47	51
WC4: Number of complaints against licensees received	Complaints against Licensees	4	0	4	0	3	3	3	2	14	5
WC5: Number of compalints against unlicensed individuals received	Complaints against Unlicensed Individuals	3	0	3	0	3	0	3	1	12	1
WC6: Number of board meetings held	Board Meetings	2	1	2	2	2	1	2	2	8	6
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: To expend only those funds absolutely necessary to carry out the mission of the board	Administrative Spending	94,476	38,490	39,577	24,343	51,159	31,890	39,571	24,964	224,783	119,687
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Maintain current staffing level	Staff Numbers	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5

Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Maintain annual cost per licensee to less than \$275	Cost per licensee	115.21	48.17	48.26	29.51	62.39	38.1	48.26	29.51	274.12	150.17
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Process applications in a timely manner	Applications Processed	17	17	15	15	15	15	15	15	62	62

How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2005-06 affected your agency in meeting its desired accomplishments and services?

No policy decisions and budget determinations affected this agency in meeting its desired accomplishments and services.

What administrative improvements did your agency make in fiscal year 2005-06 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.

2007 SMART Operations Plan

Agency/ Org	331 - Psychology, Alabama Board of Examiners in
Organization	-
Program	653 - PRO AND OCCU LICENSING AND REG
Activity	-

Mission	To serve the people of Alabama through an efficient and effective system of regulating the practice of Psychology and consumer protection
Vision	A psychology community that serves the people of Alabama with high ethical standards
Values	We value the worth, dignity and rights of consumers of psychological services. We value efficient and effective management of resources. We value staff and their contributions in achieving our mission.

Goals	<p>G1: To initiate on the date of receipt investigations of consumer complaints against licensed psychologists and to conclude those investigations as quickly as all facts can be collected (GP-7)</p> <p>G2: To process all applications for licensure with strict adherence to the requirements for licensure and renewal of licensure as stated in the Board's law and Administrative Code as quickly as the required documentation is received in an effort to ensure (GP-7)</p>
--------------	---

Critical Issues	
Internal	ICI1: None exist ()
External	ECI1: None exist ()

Workloads	Performance Indicator
number of licensees, number of consumer complaints, number of applicants	0
FY 07 Projected: 1,040	FY 07 Target: 1,040
FY07 Quarterly Projections:	1 st Qtr: 260 2nd Qtr: 260 3 rd Qtr: 260 4 th Qtr: 260

Objectives	Performance Indicator
Spending	Increase administrative spending by no more than 2%
FY 07 Projected: 207,555	FY 07 Target: 207,555.0
FY07 Quarterly Projections:	1 st Qtr: 82,419.00 2nd Qtr: 37,852.00 3 rd Qtr: 49,433 4 th Qtr: 37,851
Staffing	Add one part-time investigator to current staff of two part-time employees
FY 07 Projected: 1.5	FY 07 Target: 1.5
FY07 Quarterly Projections:	1 st Qtr: 1.5 2nd Qtr: 1.5 3 rd Qtr: 1.5 4 th Qtr: 1.5
Efficiency	To hold costs per licensee to lowest possible level
FY 07 Projected: 200	FY 07 Target: 244
FY07 Quarterly Projections:	1 st Qtr: N/A 2nd Qtr: N/A 3 rd Qtr: N/A 4 th Qtr: N/A

2007 SMART Operations Plan

Wednesday, February 14, 2007

Page 2 of 3

Quality	Provid highest possible quality services to licensees and consumers						Overall possitive rating from inquiries of consumers and licensees by auditors at audit time		
FY 07 Projected: n/a		FY 07 Target: Zero audit exceptions							
FY07 Quarterly Projections:	1 st Qtr:	N/A	2nd Qtr:	N/A	3 rd Qtr:	N/A	4 th Qtr:	N/A	

2007 SMART Operations Plan

Source of Funds			
Fund Code	Fund Name	Requested FY 07	Budgeted FY 07
0406	Board of Examiners in Psychology	\$207,555	\$207,555
Total of all Funds Listed Above:		\$207,555	\$207,555

Statutory Authority

CHAPTER 26. PSYCHOLOGISTS.

ARTICLE 1. GENERAL PROVISIONS.

REFERENCES

CROSS REFERENCES

As to professional corporations, see §§ 10-4-380 et seq.

As to unincorporated professional associations, see §§ 10-10-1 et seq.

§ 34-26-1. Practice as "psychologist" and "psychological technician" defined.

[Historical Notes](#) [References](#) [Annotations](#)

(a) For the purposes of this chapter, the two levels of psychological practice are as follows:

(1) Psychologist.

(2) Psychological technician.

(b)(1) A person practices as a "psychologist" within the meaning of this chapter when he or she holds himself or herself out to be a psychologist or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics for such purposes as psychological evaluation or for such purposes as overall personality appraisal or classification, or treatment. The practice of psychologists specifically includes the use of projective assessment techniques, the diagnosis of mental disorders, and psychotherapy.

(2) Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electro-shock or in any way infringing upon the practice of medicine as defined in the laws of this state. A psychologist shall not attempt to diagnose, prescribe for, treat, or advise a client with reference to problems or complaints falling outside the

boundaries of psychological practice.

(3) Nothing in this definition shall be construed as preventing qualified school counselors, vocational guidance counselors, vocational rehabilitation counselors, speech and hearing therapists, speech pathologists and audiologists, reading therapists, or teachers of exceptional children from rendering to the public for remuneration services for which they are qualified by training and experience involving the techniques of interviewing, administering, and interpreting tests of mental abilities, achievement, interests, and aptitudes for such purposes as evaluation or for educational or vocational guidance, selection, or placement. Nothing in this definition shall be construed as preventing technical and support staff from providing functions associated with psychological assessments under the supervision of a licensed psychologist.

(c)(1) A person practices as a "psychological technician" within the meaning of this chapter when he or she holds himself or herself out to be a psychological technician. A psychological technician may not use the title "psychologist" or hold himself or herself out to the public or knowingly allow himself or herself to be held out to the public as a psychologist. A licensed psychological technician shall not practice or present himself or herself outside the area of competence as approved by the board based upon the examination and review of the qualifications, training, and experience of the individual. A psychological technician with adequate training may directly provide any of the following services without supervision:

- a. Administering and interpreting tests: A psychological technician may administer and interpret tests of intelligence, achievement, aptitudes, and interests, and testing for educational or vocational selection, guidance, or placement.

- b. Interviewing and screening: A psychological technician may conduct initial screening interviews which may lead to referrals for more extensive evaluation or treatment. A psychological technician may also administer adjective checklists, behavior rating scales, and other rating devices which may be completed by a variety of professional and non-professional observers.

- c. Psychoeducational interventions: Psychological technicians may provide didactic psychoeducational services to individuals or groups. The purpose of such groups is to disseminate information and educate clients.

(2) A psychological technician who meets the education and training requirements of this chapter shall not provide any of the following services except under the qualified supervision of a licensed psychologist:

a. Personality appraisal. Personality appraisal as performed by the psychological technician is defined as any objective assessment or evaluative technique that leads to conclusions, inferences, and hypotheses regarding personality functioning. Included are all statements relative to personality attributes, features, traits, structure, dynamics, and pathology or assets. These activities shall allow for the process of deciding the nature of the psychological disorder or condition.

b. Clinical intervention. Includes the use of the principles, methods, and procedures of the science and profession of psychology for the treatment of individuals, groups, and families, and behavior management and behavior modification procedures with clinical populations.

c. Consultation services. Services provided to other agencies by psychological technicians acting in the role of consultants are subject to the same rules for supervision as services provided directly by the psychological technician in his or her place of employment.

d. Assistance with forensic assessments and neuropsychological evaluations. A psychological technician may assist a trained neuropsychologist in the administration of neuropsychological procedures or a qualified psychologist in forensic assessment. Independent forensic assessments and neuropsychological evaluations are outside of the scope of practice for psychological technicians.

(Acts 1963, No. 535, p. 1147, § 2; Acts 1997, No. 97-387, p. 619, § 3; Act 98-146, p. 230, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective October 1, 1997, redesignated subsections (a), (b) and (c) as subsections (b)(1), (b)(2) and (b)(3), respectively; added subsection (a); in present subsection (b), in subdivision (1) inserted "or she", inserted "or herself" and substituted "or" for "and/or", and in subdivision (2) substituted "shall" for "must" in two places; added subsection (c); and made nonsubstantive changes.

The 1998 amendment, effective March 11, 1998, in subsection (b), in subdivision (1) substituted "or treatment" for "personality counseling, psychotherapy or personality adjustment" and added the final sentence, in subdivision (2) deleted the second sentence, and in subdivision (3) added the final sentence; and in subsection (c), in subdivision (1), in the introductory material added the second sentence and in the final sentence substituted "directly provide any of the following services without supervision" for "provide any of the following", deleted paragraph a, redesignated paragraph b as paragraph a, in present paragraph a

inserted "tests: A psychological technician may administer and interpret" and added paragraphs b and c, and in subdivision (2) substituted "who meets the education and training requirements of this chapter shall not provide any of the following services except" for "may provide the following", rewrote paragraphs a and b and added paragraphs c and d.

REFERENCES

RESEARCH REFERENCES

ALR Library

72 ALR 5th 529, Qualification of Nonmedical Psychologist to Testify as to Mental Condition or Competency.

Treatises and Practice Aids

Trial Handbook for Alabama Lawyers § 17:11, Existence of a Physician-Patient Privilege.

ANNOTATIONS

CASENOTES

Generally 1

Expert witness 3

License in other state 2

1. Generally

Psychologist who examined plaintiff and plaintiff's doctor was qualified to testify to questions concerning the cause-and-effect relationship between the accident and plaintiff's psychological injuries, and on issues of damages he was allowed to testify to questions specifically limited to the field of psychology. *Brannon v. Sharp*, 554 So.2d 951 (Ala.1989), rehearing denied.


The trial court in a medical malpractice action did not abuse its discretion in allowing testimony of psychologist concerning her evaluation of minor plaintiff and the possible connection between complications at birth and his present condition and prognosis, since the testimony of the psychologist was not offered to prove the standard of care required of a medical doctor. *Fabianke v. Weaver By and Through Weaver*, 527 So.2d 1253, 2 A.L.R.5th 1140 (Ala.1988).

2. License in other state

Psychologist, who was licensed in another state, could not be prohibited from

testifying as an expert witness in child visitation case solely on the ground that she was not licensed in Alabama; nothing in statute governing practice of psychology would lead one to conclude that testifying was a function of practicing psychology, and by enacting statute, legislature did not intend that psychologists be licensed in Alabama as a prerequisite to their giving expert testimony. *Mitchell v. Mitchell*, 830 So.2d 755 (Ala.Civ.App.2002). Evidence 537

3. Expert witness

The facts that clinical psychologist was not licensed to practice psychology in state and that practicing psychology in state without a license was a misdemeanor do not, by themselves, prevent psychologist from providing expert testimony during trial; the Rules of Evidence did not predicate expert testimony on the expert obtaining a license in state, courts have found that testifying in court did not constitute practicing psychology in state, and training, study, practice, and experience, rather than merely a license, effected whether an individual was considered an expert. *Wood v. State*, 891 So.2d 398 (Ala.Crim.App.2003), rehearing denied, opinion after remand, certiorari denied. Criminal Law  479

Cited in *Ex parte Day*, 378 So.2d 1159 (Ala.1979), on remand, 378 So.2d 1164 (Ala. Crim. App.); *Kriewitz v. Savoy Heating & Air Conditioning Co.*, 396 So.2d 49 (Ala.1981); *Kuenzel v. State*, 577 So.2d 474 (Ala.Crim.App.1990), reh'g denied, without op., (Ala.Crim.App.) and aff'd 577 So.2d 474 577 So.2d 531 (Ala.), reh'g denied, without op., 1991 Ala. 252 (Ala.) and cert. denied, 502 U.S. 886, 116 L.Ed.2d 197, 112 S.Ct. 242.

§ 34-26-2. Confidential relations between licensed psychologists, licensed psychiatrists, or licensed psychological technicians and their clients. [Historical Notes](#) [References](#) [Annotations](#)

For the purpose of this chapter, the confidential relations and communications between licensed psychologists, licensed psychiatrists, or licensed psychological technicians and their clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

(Acts 1963, No. 535, p. 1147, § 14; Acts 1979, No. 79-603, p. 1068, § 1; Acts 1997, No. 97-387, p. 619, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective October 1, 1997, substituted "psychologists," for "psychologists and", and substituted ", or licensed psychological technicians and their" for "and".

REFERENCES

CROSS REFERENCES

For this section being commented on by Rule 503, Alabama Rules of Evidence, effective January 1, 1996, see the Advisory Committee's Notes to Rule 503 in Volume 23.

LIBRARY REFERENCES

American Digest System:

Witnesses  214.5.

Corpus Juris Secundum:

C.J.S. Witnesses § 254.

RESEARCH REFERENCES

Encyclopedias

24 Am. Jur. Proof of Facts 3d 123, Proof of Unauthorized Disclosure of Confidential Patient Information by a Psychotherapist.

Forms

Am. Jur. Pl. & Pr. Forms Physicians Surgeons & Healers § 163, Statutory References.

Treatises and Practice Aids

Alabama Evidence 3d § 5:3, Psychiatrist-Patient Privilege-(A) Alabama Practice.

Alabama Personal Injury and Torts § 14:63, Privileges -- Psychologist/Psychiatrist and Patient.

Alabama Rules of Civil Procedure Annotated Rule 26, General Provisions Governing Discovery.

Trial Handbook for Alabama Lawyers § 17:11, Existence of a Physician-Patient Privilege.

Trial Handbook for Alabama Lawyers § 17:12, Existence of a Psychotherapist-Patient Privilege.

ANNOTATIONS

CASENOTES

Generally 1

Appeal 9

Assertion of privilege 3-5.5

Assertion of privilege - Condition of probation 4

Assertion of privilege - Mental condition at issue 5

Assertion of privilege - Particular circumstances 3
Assertion of privilege - Who may assert 5.5
Condition of probation, assertion of privilege 4
In camera review 8
Mental condition at issue, assertion of privilege 5
Miscellaneous 7
Particular circumstances, assertion of privilege 3
Purpose 2
Relation to other laws 2.5
Waiver 6
Who may assert, assertion of privilege 5.5

1. Generally

Medical records created during psychiatrist-patient relationship are included in confidential relationship and are covered by psychotherapist-patient privilege. (Per curiam with two justices concurring and six justices concurring in result.) Ex parte Western Mental Health Center, 884 So.2d 835 (Ala.2003). Witnesses ☒ 212

State Supreme Court would decline to adopt an exception to statutory psychotherapist-patient privilege to be applied when a party seeks information relevant to the issue of the proximate cause of another party's injuries. Ex parte Pepper, 794 So.2d 340 (Ala.2001). Witnesses ☒ 214.5

This privilege provides a patient the right to refuse to disclose, and to prevent others from disclosing, confidential communications between the patient and psychotherapist made for the purposes of diagnosis or treatment of the patient's mental condition, and it encompasses notes or records made by the psychotherapist. Ex parte United Service Stations, Inc., 628 So.2d 501 (Ala.1993). Witnesses ☒ 214.5


The statutory psychotherapist-patient privilege is not easily outweighed by competing interests. Ex parte United Service Stations, Inc., 628 So.2d 501 (Ala.1993).

The protection of a patient's and society's interest in preserving the confidentiality of the psychiatrist-patient relationship is of sufficient importance to generally warrant exclusion from discovery. However, this psychiatrist-patient privilege may not in all cases be an impenetrable shield. Ex parte Rudder, 507 So.2d 411 (Ala.1987). Pretrial Procedure ☒ 33



2. Purpose

Statutes such as this section are intended to inspire confidence in the patient and



encourage him in making a full disclosure to the physician as to his symptoms and condition, by preventing the physician from making public information that would result in humiliation, embarrassment, or disgrace to the patient, and are thus designed to promote the efficacy of the physician's advice or treatment. The exclusion of such evidence rests in the public policy and is for the general interest of the community. Ex parte Rudder, 507 So.2d 411 (Ala.1987).


The statutory psychotherapist-patient privilege is intended to inspire confidence in the patient and encourage him in making a full disclosure to the psychiatrist as to his symptoms and condition, by preventing the psychiatrist from making public information that would result in humiliation, embarrassment, or disgrace to the patient, and is thus designed to promote the efficacy of the psychiatrist's advice or treatment; the exclusion of the evidence rests in the public policy and is for the general interest of the community. Ex parte T.O., 898 So.2d 706 (Ala.2004). Witnesses  214.5

2.5. Relation to other laws


Statute conferring immunity to persons who make good-faith reports of child abuse impliedly repealed anything to the contrary in the earlier enacted statute recognizing a psychotherapist-patient privilege. Marks v. Tenbrunsel, 910 So.2d 1255 (Ala.2005). Infants  13.5(2); Witnesses  214.5

3. Assertion of privilege--Particular circumstances

Psychologists' statutory immunity from liability to former patient in connection with their reports to appropriate authorities of child sexual abuse committed by him was not negated by statutory psychotherapist-patient privilege. Marks v. Tenbrunsel, 910 So.2d 1255 (Ala.2005). Infants  13.5(2); Witnesses  214.5


Mental health records maintained by mental health center that pertained to patients were covered by psychotherapist-patient privilege, for purpose of personal injury action brought by first patient following automobile accident and tort action brought by second patient against her employer. (Per curiam with two justices concurring and six justices concurring in result.) Ex parte Western Mental Health Center, 884 So.2d 835 (Ala.2003). Witnesses  214.5

Statutory psychotherapist-patient privilege barred following driver, in automobile negligence action brought by leading driver following rear-end collision, from obtaining deposition testimony of neuropsychologist who examined leading driver following action, despite alleged relevance of that testimony to whether leading driver's claimed physical pain was proximately caused by accident or was instead a result of

psychological problems. Ex parte Pepper, 794 So.2d 340 (Ala.2001). Witnesses  214.5

The trial court, in a first degree sodomy case, properly prevented defense counsel from cross-examining the victim about statements she made to a clinical psychologist for the Department of Human Resources since the contents of the report constituted a privileged communication between the psychologist and her client and were protected from disclosure under this section, and the report was also entitled to confidentiality under §§ 12-15-100 and 12-15-101, governing the use of social, medical, psychiatric, or psychological records and reports, and law enforcement records and files in juvenile proceedings. Thornton v. State, 527 So.2d 143 (Ala.Crim.App.1987), writ quashed 527 So.2d 146.

A news media defendant, in defense of an action for defamation brought by a psychiatrist, did not have the right to discover that doctor's privileged medical records pertaining to one of his patients. Ex parte Rudder, 507 So.2d 411 (Ala.1987).


Failure of child-patient's counsel to object, at deposition of child-patient's mother in civil action for assault brought against child-patient by parents of another child, to questions propounded to mother regarding psychiatrist's diagnosis and treatment of child-patient did not waive child's psychotherapist-patient privilege; child-patient, through his counsel, did not objectively manifest a clear intent not to rely upon the privilege. Ex parte T.O., 898 So.2d 706 (Ala.2004). Witnesses  219(1)

4. ---- Condition of probation, assertion of privilege

Within the context of the granting or revocation of probation, where psychological counseling has been required as a condition of probation, the fact of whether or not the probationer is being treated or counseled by a psychologist, as well as the fact of the probationer's attendance or nonattendance at any counseling session is not a "confidential relation or communication" within the purview of this section. Crowson v. State, 552 So.2d 189 (Ala.Crim.App.1989).

Where the defendant is ordered to seek psychological counseling as a condition of his probation, the intent and design of this section is not frustrated by requiring disclosure of the fact of counseling. Crowson v. State, 552 So.2d 189 (Ala.Crim.App.1989).

5. ---- Mental condition at issue, assertion of privilege

The psychotherapist-patient privilege is unavailable in a criminal trial where the defendant raises the defense of insanity. Harrington v. State, 858 So.2d 278 (Ala.Crim.App.2002), rehearing denied, certiorari denied 858 So.2d 305. Witnesses 

214.5

There is no implication in the language of this section that the Legislature intended an exception to the privilege where the issue of a party's mental condition is raised in a civil proceeding. *Ex parte United Service Stations, Inc.*, 628 So.2d 501 (Ala.1993).

Where the issue of the mental state of a party to a custody suit is clearly in controversy, and a proper resolution of the custody issue requires disclosure of privileged medical records, the psychologist-patient privilege must yield. *Harbin v. Harbin*, 495 So.2d 72 (Ala.Civ.App.1986).

5.5. ---- Who may assert, assertion of privilege

Psychologist may assert psychotherapist-patient privilege on behalf of patient. (Per curiam with two justices concurring and six justices concurring in result.) *Ex parte Western Mental Health Center*, 884 So.2d 835 (Ala.2003). Witnesses ☒ 217

6. Waiver

In order to impliedly waive the psychologist-patient privilege under Alabama law, the holder of the privilege must objectively manifest a clear intent not to rely upon the privilege. *Whatley v. Merit Distribution Services*, 191 F.R.D. 655 (S.D.Ala.2000). Witnesses ☒ 219(1)

By merely alleging mental anguish and emotional distress, neither individual, who filed personal injury action following automobile accident, nor employee, who filed separate tort action against her employer, waived psychotherapist-patient privilege that applied to their mental health records that were maintained by mental health center. (Per curiam with two justices concurring and six justices concurring in result.) *Ex parte Western Mental Health Center*, 884 So.2d 835 (Ala.2003). Witnesses ☒ 219(1)

Leading motorist who sued following motorist for personal injuries allegedly sustained in rear-end collision did not impliedly waive statutory psychotherapist-patient privilege, so as to entitle following motorist to depose neuropsychologist who examined preceding motorist after accident, by failing to object to deposition testimony of orthopedic surgeon, who made the referral to neuropsychologist, concerning contents of neuropsychologist's report. *Ex parte Pepper*, 794 So.2d 340 (Ala.2001). Witnesses ☒ 219(1)

The psychotherapist-patient privilege is personal to the patient, and only the patient may waive it. *Ex parte United Service Stations, Inc.*, 628 So.2d 501 (Ala.1993). Witnesses ☒ 219(1)

In order to impliedly waive a testimonial privilege, the holder of the privilege must

objectively manifest a clear intent not to rely upon the privilege. *Ex parte United Service Stations, Inc.*, 628 So.2d 501 (Ala.1993). Witnesses ☒ 219(1)

Release signed by a former mental patient allowing transfer of her records from one hospital to another did not constitute a voluntary waiver of the § 34-26-2 psychologist-patient privilege. *Jordan v. State*, 607 So.2d 333 (Ala.Crim.App.1992), certiorari denied.

When the psychologist-client privilege is interpreted in light of the attorney-client privilege, it is clear that the Legislature intended the psychologist-client privilege to benefit the client, not the psychologist. Thus, while either the client or the psychologist, on the client's behalf, may assert the privilege, only the client may waive the privilege. *Watson v. State*, 504 So.2d 339 (Ala.Crim.App.1986).

Where the appellant's counsel initiated the inquiry into the appellant's sanity, appellant waived any privilege of confidentiality he may otherwise have had. *Free v. State*, 455 So.2d 137 (Ala.Crim.App.1984).

While the child's psychotherapist-patient privilege could be claimed for the child-patient by the psychiatrist, by the child-patient, or by the parents of the child-patient, in a civil action for assault brought against the child-patient by the parents of another child, only the child-patient could waive the privilege. *Ex parte T.O.*, 898 So.2d 706 (Ala.2004). Witnesses ☒ 219(1)

7. Miscellaneous

If prosecutor failed to disclose material and exculpatory information, obtained in conversation with alleged victim's psychiatrist, then defendant would be entitled to a new trial. *Kirby v. State*, 581 So.2d 1136 (Ala.Crim.App.1990). Criminal Law ☒ 914

8. In camera review

When a defendant sufficiently alleges that privileged documents may contain evidence relevant and material to an issue in the case, the trial court should inspect the documents in camera before ruling on the defendant's motion to compel the documents. *D.P. v. State*, 850 So.2d 370 (Ala.Crim.App.2002). Criminal Law ☒ 627.8(4)

9. Appeal

Former patient waived appellate review, in his civil action against psychotherapists, of his claim that compelled disclosure of his confidential communications with psychologists in which he admitted to acts of child sexual abuse violated his Fifth Amendment privilege against self-incrimination, where former patient's references to "privilege" in arguing that his communications with psychologists were subject to

psychologist-patient privilege did not afford trial court opportunity to rule on self-incrimination claim. Marks v. Tenbrunsel, 910 So.2d 1255 (Ala.2005). Appeal And Error ☒ 179(4)

Cited in Ex parte Day, 378 So.2d 1159 (Ala.1979), on remand, 378 So.2d 1164 (Ala. Crim. App.); Howard v. State, 417 So.2d 599 (Ala.Crim.App.1982), habeas corpus proceeding, 815 F.2d 1429 (11th Cir. Ala.), cert. denied, 484 U.S. 864, 98 L.Ed.2d 136, 108 S.Ct. 184, reh'g denied, 484 U.S. 972, 98 L.Ed.2d 413, 108 S.Ct. 475.

§ 34-26-3. Code of ethics. [References](#)

The Board of Examiners shall adopt the Code of Ethics of the American Psychological Association to govern appropriate practices or behavior as referred to in Section 34-26-46 and Section 34-26-47 and shall file such code with the Secretary of State within 30 days prior to the effective date of such code.

(Acts 1963, No. 535, p. 1147, § 15.)

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-6.01 et seq., Board of Examiners in Psychology; Standards for Professional Conduct.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒ 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

ARTICLE 2. BOARD OF EXAMINERS.

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-1-.01 et seq., Board of Examiners in Psychology; Composition and Organization of the Board.

18 Ala. Admin. Code 750-X-5-.01 et seq., Board of Examiners in Psychology; Board's Function as a Public

Regulatory Body.

§ 34-26-20. Creation. [References](#)

There is hereby created a board to be known as the Alabama Board of Examiners in Psychology composed of five members, appointed by the Governor of this state within 60 days after October 1, 1963, in the manner and for the term of office as hereinafter provided. Said board shall perform such duties and have such powers as this chapter prescribes and confers upon it.

(Acts 1963, No. 535, p. 1147, § 1.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒ 5(1); States ☒ 45.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18; States §§ 79-80, 82, 136.

§ 34-26-21. Composition; powers and duties; psychological technician; oath; meetings.

[Historical Notes](#) [References](#) [Annotations](#)

(a) There is created a State Board of Examiners in Psychology to consist of seven persons who are residents of this state, who shall be appointed by the Governor under conditions set forth in this section. At least two members shall be chosen from and shall be members of the faculty, with the rank of assistant professor or above, of the accredited colleges and universities of the state, shall be licensed psychologists under this chapter, and shall be primarily engaged in teaching, research, or administration of psychology. Three members shall be licensed practicing psychologists under this chapter. One member shall be licensed as a psychological technician or qualified for licensure as a psychological technician under this chapter.

The board shall perform those duties and exercise those powers prescribed in this chapter. No member of the board shall be liable to civil action for any act performed in good faith in the performance of his or her duty pursuant to this chapter. Original appointments to the board shall be for terms as follows: One practicing psychologist for a term of one year, one academic psychologist for a term of two years, one practicing psychologist for a term of three years, one academic psychologist for a term of four years, and one practicing psychologist for a term of five years. Vacancies shall be filled for any unexpired term, and members shall serve until their successors are appointed and have qualified.

Board members shall not serve more than two consecutive terms of office. Within 30 days after October 1, 1963, the Executive Committee of the Alabama Psychological Association, or of its successor organization, shall submit to the Governor a list of qualified candidates for the original five positions on the board. The list shall contain names of at least two qualified academic psychologists and two qualified practicing psychologists, from which the Governor shall select the board within 60 days. Not later than October 1 of each year the executive committee of the association, or of its successor organization, shall submit to the Governor the names of two qualified candidates for the position of the board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1 to serve on the board for a term of five years. With the exception of the two members appointed from the general public pursuant to subsection (b), other vacancies occurring in the board shall be filled for the unexpired term by appointment of the Governor from two qualified candidates for each vacancy submitted within 30 days after the vacancy occurs by the executive committee of the association, or by its successor organization. Those appointments shall be made within 30 days after the candidates' names have been submitted. If the association, or its successor organization, fails to furnish the Governor with the list of persons eligible for appointment to the board, the Governor shall appoint any qualified members of the profession of psychology to the vacant position on the board.

(b)(1) Within 30 days following October 1, 1988, the Governor shall appoint two new members to the board for five-year terms of office. Each of the two new members shall be members of the general public, and Alabama residents who are not licensed by the board, and whose spouses, if married, are not licensed by the board. One of the two new public members, and his or her successors, shall be Black. Vacancies for unexpired terms shall be filled by the Governor. Successor public members shall be appointed by the Governor.

(2) Immediately upon the expiration or vacancy of the public position not held by a Black individual that public position on the board shall be abolished. Thereafter, only one public position shall remain on the board. That public position shall continue to be filled by a member of the general public who is Black.

(c)(1) On October 1, 1997, there is created a psychological technician position on the board. The Governor shall appoint a candidate to the psychological technician position on the board. The person initially appointed to fill the psychological technician position on the board shall have a master's degree in psychology and shall not be required to be a licensed psychological technician. Any subsequent appointment to the psychological technician position on the board shall be a licensed psychological technician.

(2) To fill the psychological technician position on the board, the Alabama Psychological Association, or its successor organization, shall submit a list of four nominees to the executive

committee of the association, or its successor organization, who shall select two names from the list to be submitted to the Governor.

(d) Any board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

(e) Immediately before entering public duties of the office, the members of the board shall take the constitutional oath of office and shall file the oath in the Office of the Governor, who upon receiving the oath shall issue to each member a certificate of appointment. The board shall have available for the Governor or his or her representative detailed reports on proceedings and shall make annual reports in the form required by the Governor.

(f) The board shall elect annually a chair and vice-chair. Each member shall receive the same per diem and travel allowance paid to state employees for each day's attendance at an official meeting of the board. The board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair or at the written request of any two members of the board. The board shall adopt a seal which shall be affixed to all certificates issued by the board. The board shall from time to time adopt rules and regulations necessary for the performance of its duties. Four members of the board shall constitute a quorum. The board may hire any assistants necessary to carry on its activities within the limit of funds available to the board. The board may accept grants from foundations, individuals, and institutions to carry on its functions.

(Acts 1963, No. 535, p. 1147, § 4; Acts 1988, No. 88-216, p. 332, § 3; Acts 1992, No. 92-125, p. 230, § 3; Acts 1996, No. 96-394, p. 482, § 1; Acts 1997, No. 97-387, p. 619, § 3; Act 98-146, p. 230, § 3; Act 2004-90, p. 119, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1996 amendment, effective May 6, 1996, in the third paragraph of subsection (a), substituted "With the exception of the two members appointed from the general public pursuant to subsection (b), other" for "Other"; in subsection (b), added the last two sentences; in subsection (d), inserted "or her" in the second sentence; and made nonsubstantive changes.

The 1997 amendment, effective October 1, 1997, redesignated subsections (c), (d) and (e) as subsections (d), (e), and (f), respectively; in subsection (a), in the first sentence substituted "who" for "five of whom" and deleted "section, and two of whom shall be newly appointed within 30 days following October 1, 1988, as provided in this" preceding "section", in the second sentence substituted "psychologists" for "or qualified for licensure", in the third sentence substituted "practicing psychologists" for "psychologists or qualified for licensure", and added the fourth sentence; in the second undesignated

subsection inserted ", or of its successor organization" in four places, inserted "qualified" in two places, and inserted "to the vacant position on the board"; in subsection (b) inserted the subdivision (1) designator, and added subdivision (2); added present subsection (c); and made nonsubstantive changes.

The 1998 amendment, effective March 11, 1998, in subsection (c) inserted the subdivision (1) designator and added subdivision (2).

The 2004 amendment, effective April 2, 2004, in subsection (c), in subdivision (2) substituted "Psychological Association" for "Association of Masters in Psychology".

Code Commissioner's Notes

Acts 1992, No. 92-125, § 2 provides: "The existence and functioning of the Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-48, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Acts 1993, No. 93-151, § 2, provides: "The existence and functioning of the Alabama Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-48, inclusive, is continued, and those code sections are expressly preserved."

Acts 1996, No. 96-393, § 2 provides: "The existence and functioning of the Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-48, inclusive, Code of Alabama 1975, is continued until October 1, 1997, and those code sections are expressly preserved."

Acts 1997, No. 97-387, § 2, provides: "The existence and functioning of the Alabama Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-48, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved until October 1, 2000."

Act 98-146, § 2 provides: "The existence and functioning of the Board for Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-48, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved until October 1, 2000."

Act 2000-129, § 2 provides: "The existence and functioning of the State Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-66, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2004-90, § 2 provides: "The existence and functioning of the Alabama Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-66, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

ANNOTATIONS

CASENOTES

Constitutionality 1

1. Constitutionality

The provision that appointees to the board be chosen from a list of candidates proposed by the executive committee of the Alabama psychological association is not unconstitutional. *Marchetti v. Alabama Bd. of Examiners in Psychology*, 494 So.2d 448 (Ala.Civ.App.1986).

§ 34-26-22. Certain powers and duties enumerated; annual registration fee; list of registered psychologists and psychological technicians; continuing education; rules and regulations.

[Historical Notes](#) [References](#) [Annotations](#)

(a) The Board of Examiners in Psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. The board shall be the sole agency in this state empowered to certify concerning competence in the practice of psychology and the sole board empowered to recommend licensure for the practice of psychology. The board shall have the power to recognize areas of specialization for practice and supervision, and to ensure through rules and regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. No individual shall be issued a license for the practice of psychology who has not been previously certified at the appropriate level of practice by the board. The board shall certify as competent to practice psychology or as competent to practice as a psychological technician all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this chapter and the rules and regulations of the board. The certification shall be signed by the chair of the board under the adopted seal of the board. The chair shall, under the direction of the board, aid the district attorneys in the enforcement of this chapter and the prosecutions of all persons charged with the violation of its provisions. Psychologists and psychological technicians licensed by the board shall be required to submit annually to the board a completed registration fee of up to one hundred fifty dollars (\$150) for psychologists and of up to one hundred dollars (\$100) for psychological technicians as set by the board, after the first year. The list of registered psychologists and

registered psychological technicians shall be made available to interested individuals or organizations at a nominal charge.

(b) By the year 1990 the board shall implement requirements through its rules and regulations that licensees shall engage in annual continuing education activities other than individual study to renew the license to practice. The board may charge a reasonable fee to register and keep records of licensees' continuing education credits. Failure to engage in continuing education or failure to pay fees for registration of continuing education credits will provide grounds for suspension of licensure.

(c) The board may promulgate and adopt rules and regulations as are necessary to implement the requirements of this chapter. The rules and regulations shall be adopted pursuant to the state administrative procedure statutes.

(Acts 1963, No. 535, p. 1147, § 13; Acts 1979, No. 79-106, p. 127, § 1(a); Acts 1987, No. 87-569, p. 893, § 1; Acts 1988, No. 88-216, p. 332, § 3; Acts 1997, No. 97-387, p. 619, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective October 1, 1997, in subsection (a), in the second and sixth sentences substituted "The" for "Such", in the third sentence inserted "supervision, and", in the fourth sentence inserted "at the appropriate level of practice", in the fourth, fifth and sixth sentences deleted "of examiners in psychology" following "board", in the fifth sentence inserted "or as competent to practice as a psychological technician", in the sixth sentence substituted "chair" for "chairman" and substituted "adopted seal of the board" for "board's adopted seal", in the seventh sentence substituted "The chair shall," for "It shall be the duty of the board chairman" and substituted a comma for "to" preceding "aid", in the eighth sentence inserted "and psychological technicians" and substituted "one hundred fifty dollars (\$150) for psychologists and of up to one hundred dollars (\$100) for psychological technicians" for "\$150.00", and in the final sentence inserted "and registered psychological technicians"; in subsection (b) substituted "shall" for "will", and substituted "shall" for "must"; in subsection (c) substituted "may" for "is hereby authorized to", deleted "such" following "adopt", substituted "chapter. The" for "chapter; provided further that such", and inserted "shall"; and made nonsubstantive changes.

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-3A-.01 et seq., Board of Examiners in Psychology; Continuing Education.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒ 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

ANNOTATIONS

CASENOTES

Authority of board 2

Relationship with other laws 1

1. Relationship with other laws

The Legislature directed the board to certify as competent to practice psychology all persons who show that they meet the qualifications for licensure provided by statute and by "the rules and regulations of the board." The language of this section evidences a legislative intent for the board to promulgate whatever reasonable rules or regulations it deemed necessary to interpret and apply the statutory requirements of § 34-26-41. *Marchetti v. Alabama Bd. of Examiners in Psychology*, 494 So.2d 448 (Ala.Civ.App.1986). Health ☒ 138

2. Authority of board

Prior to 1988, the Alabama board of examiners in psychology was without authority to prohibit psychologist from holding herself out as a clinical psychologist; the board's authority with respect to certification was addressed for the first time by the 1988 amendment, thus, board's later decertification action against petitioner who they initially licensed in 1984 must fail. *Ex parte Givens*, 576 So.2d 1277 (Ala.1991), on remand 576 So.2d 1278.

Cited in *Sandy v. Alabama Bd. of Examiners in Psychology*, 632 So.2d 497 (Ala.Civ.App.1993), cert. denied, without op. (Ala.).

ARTICLE 3. LICENSES.

§ 34-26-40. Required; exceptions; psychological interns or trainees. [Historical Notes](#) [References](#)

(a) It is specifically prohibited that any individual or organization shall present himself, herself, or it,

or be presented to the public by any title incorporating the name "psychological," "psychologist" or "psychology" other than so licensed by this chapter. Any psychological scientist, including a school psychologist who holds a certificate issued by the State Superintendent of Education, employed by a recognized research laboratory, school, college, university, or governmental agency or department may represent himself or herself by the academic or research title conferred upon him or her by the administration of the laboratory, school, college or university, or any governmental agency or department. Nothing in this section shall be construed as permitting such persons to offer their services to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries, unless they have been licensed under this chapter. Visiting lecturers from recognized laboratories, schools, colleges, universities, or any governmental agencies or departments are exempt from the provisions of this section and may utilize their academic or research titles when presenting lectures or performing any consultation as might be required in their academic or research functions. Students of psychology, psychological interns, and other persons preparing for the profession of psychology under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern," "psychological trainee," or others clearly indicating such training status. No individual may employ or use the title "licensed psychologist" or imply in any way that he or she is licensed by the board unless he or she is actually so licensed and registered under this chapter.

(b) No person working for any recognized state department or agency, research laboratory, school, college, or university shall be required to have any license issued pursuant to this chapter to perform their job duties and responsibilities related to their position or employment status with these entities.

(Acts 1963, No. 535, p. 1147, § 3; Acts 1996, No. 96-394, p. 482, § 1; Acts 1997, No. 97-387, p. 619, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1996 amendment, effective May 6, 1996, purported to amend this section, but in effect made no changes.

The 1997 amendment, effective October 1, 1997, inserted the subsection (a) designator, in the first sentence inserted ", herself, or it," and substituted "chapter. Any" for "chapter; except, that any", in the present second sentence inserted ", including a school psychologist who holds a certificate issued by the State Superintendent of Education,", inserted "or department" in two places, inserted "or herself" and substituted "the" for "such" following "administration of", in the present second and fourth sentences inserted "any", in the present fourth sentence inserted "or departments" and substituted "any" for "such", and in the final sentence inserted "or she" in two places; added subsection (b); and made nonsubstantive

changes.

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-2-.07, Board of Examiners in Psychology; The Application Process: Internship Training.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  5(1), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11-15, 18, 28.

§ 34-26-41. Applications; qualifications of applicants. [Historical Notes](#) [References](#) [Annotations](#)

(a)(1) Any person wishing to obtain the right to practice as a psychologist or psychological technician in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him or her to practice as a psychologist or psychological technician in this state, make application to the Board of Examiners in Psychology through the chair upon such form and in such manner as prescribed by the board.

(2) Unless a person has first obtained a valid license as aforesaid, it shall be unlawful and a violation of this chapter for him or her to practice.

(b) A candidate for licensure as a psychologist shall furnish the board with satisfactory evidence of all of the following:

(1) He or she is of good moral character.

(2) He or she is at least 19 years of age.

(3) He or she has received a doctorate degree from a department of, or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards.

(4) He or she is competent in psychology as shown by passing such examinations, written or oral, or both, as the board will prescribe, unless exempted pursuant to subsection (d).

(5) He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association.

(6) He or she has not within the preceding six months failed an examination given by the board.

(c) The board may issue a license to any person who is a licensed psychologist of another state, and

who applies to the board, provided the licensee of another state shall furnish the board with satisfactory evidence of all of the following:

(1) He or she is of good moral character, and holds his or her license in good standing from another state.

(2) He or she is at least 19 years of age.

(3) He or she has received a doctorate degree in psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards or, in lieu of a doctorate degree in psychology, a doctorate degree in a closely allied field, if the training received therefor is substantially similar to that required of doctorates obtained from departments of psychology.

(4) He or she is competent in psychology as shown by the passing of an examination, unless exempted pursuant to subsection (d), substantially equivalent to the examinations prescribed in subsection (a), or by the passing of a recognized national examination in psychology.

(5) He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association.

(6) He or she has practiced psychology in another state at least four consecutive years prior to application.

(7) That the other state under which he or she is licensed gives similar recognition and reciprocal licensing to licensed psychologists of this state.

(d) The board shall issue a license to any applicant with a doctoral degree in psychology who is otherwise qualified pursuant to subsections (a) and (b), who is licensed in at least two states and who has passed a recognized national exam.

(e) A candidate for licensure as a psychological technician shall furnish the board with satisfactory evidence of all of the following:

(1) He or she is of good moral character.

(2) He or she is at least 19 years of age.

(3) He or she has a master's degree in psychology from a regionally accredited institution of higher education, or has completed the equivalent of a master's degree from an American Psychological Association accredited doctoral program in psychology, as determined by the board. Educational requirements are provided in Section 34-26-65.

(4) Is competent as a psychological technician, as shown by passing examinations, written or oral, or both, as prescribed by the board.

(5) Is not engaged in unethical practice as defined in the most recent version of the Code of Ethics of the American Psychological Association.

(6) Has not within the preceding six months failed an examination given by the board.

(Acts 1963, No. 535, p. 1147, § 5; Acts 1982, No. 82-152, p. 181, § 4; Acts 1988, No. 88-216, p. 332, § 3;

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1996 amendment, effective May 6, 1996, in subsection (a), in the first paragraph, substituted "as adopted herein" for "as shall be adopted and prescribed by the board" in the first sentence and, in the second paragraph, inserted ", unless exempted pursuant to subsection (c)" in item (4); in subsection (b), inserted ", unless exempted pursuant to subsection (c)," in item (4); added subsection (c); and made nonsubstantive changes.

The 1997 amendment, effective October 1, 1997, inserted "a psychologist or psychological technician" in three places; inserted "or her" in three places; inserted "or she" in fifteen places; designated the first two sentences of subsection (a) as subsections (a)(1) and (a)(2), respectively; designated the undesignated subsection as subsection (a)(3); in subsection (a)(1), as so designated, deleted "psychologist" following "right to practice", and substituted "chair" for "chairman"; in subsections (a)(1) and (a)(2), as so designated, substituted "as" for "psychology"; in subsection (a)(2), as so designated, deleted "such" following "Unless", and deleted "such" following "obtained"; in subsection (a)(3), as so designated, redesignated subdivisions (1) through (6) as paragraphs a through f, respectively, in the introductory matter substituted "licensure as a psychologist" for "such license" and substituted "of all of the following" for "that", and in present paragraph e substituted a concluding period for "; and"; in subsection (b), in the introductory matter substituted "may" for "is hereby authorized to", substituted "the" for "said" and substituted "of all of the following" for "that", in subdivision (3) substituted "a doctorate degree in psychology" for "said degree", in subdivision (4) deleted "hereof" following "(a)", in subdivision (6) substituted a concluding period for "; and", and in subdivision (7) substituted "the" for "such"; in subsection (c) substituted "subsection (a) and subdivisions (1) to (6), inclusive, of subsection (b)" for "subsections (a) and (b)(1)-(6) of this section"; added subsection (d); and made nonsubstantive changes.

The 1998 amendment, effective March 11, 1998, redesignated subsections (b) through (d) as subsections (c) through (e), respectively; in subsection (a), in subdivision (1) substituted "prescribed by the board" for "adopted herein", in subdivision (2) substituted "first obtained a valid" for "obtained", inserted "and a violation of this chapter" and deleted "; and, if he or she shall practice as a psychologist or psychological technician without first having obtained a license, he or she shall be deemed to have violated the provisions of this chapter" following "practice" and redesignated subdivision (3) as subsection (b); in present subsection (b) redesignated paragraphs a through f as subdivisions (1) through (6); in present subsections (b) and (c), in subdivision (4) substituted "(d)" for "(c)"; in present subsection (d) substituted "subsections (a) and" for "subsection (a) and subdivisions (1) to (6), inclusive, of subsection"; and in

present subsection (e) deleted subdivisions (1) and (2), substituted "A candidate for licensure" for "(3) A candidate for license", substituted "of all" for "that he or she satisfies all", redesignated paragraphs a through f as present subdivisions (1) through (6), in present subdivisions (1) and (2) substituted "He or she is" for "Is", rewrote subdivision (3), in present subdivision (4) substituted "prescribed by the board" for "the board deems necessary" and deleted the second sentence, and in present subdivision (5) inserted "most recent version of the".

REFERENCES

ADMINISTRATIVE CODE

- 18 Ala. Admin. Code 750-X-2-.01 et seq., Board of Examiners in Psychology; Application Process.
- 18 Ala. Admin. Code 750-X-2A-.01 et seq., Board of Examiners in Psychology; Application Process for Psychological Technicians.
- 18 Ala. Admin. Code 750-X-6.01 et seq., Board of Examiners in Psychology; Standards for Professional Conduct.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.


ANNOTATIONS

CASENOTES

Education requirements 2

Relationship with other laws 1

1. Relationship with other laws

The Legislature directed the board to certify as competent to practice psychology all persons who show that they meet the qualifications for licensure provided by statute and by "the rules and regulations of the board." This language of § 34-26-22 evidences a legislative intent for the board to promulgate whatever reasonable rules or regulations it deemed necessary to interpret and apply the statutory requirements of this section. *Marchetti v. Alabama Bd. of Examiners in Psychology*, 494 So.2d 448 (Ala.Civ.App.1986). Health  138

2. Education requirements

Candidate was not permitted to sit for the examination, based on subdivision (3) of this section, and the board's rule setting forth education requirements for candidates for the psychology license, where he obtained his doctorate in educational psychology from the school of education at the University of Alabama, no licensed psychologists, with one possible exception, were on the faculty in the program of educational psychology, the only psychology courses required of doctorate graduate students in the program were two graduate courses in the area of psychology, doctorate students in the program were not required to minor in psychology, but, if they did, they would have to take psychology courses in the university's department, or school of psychology, and the program did not offer courses among those designated as core areas of psychology instruction in the rule. *Marchetti v. Alabama Bd. of Examiners in Psychology*, 494 So.2d 448 (Ala.Civ.App.1986).

Cited in *Sandy v. Alabama Bd. of Examiners in Psychology*, 632 So.2d 497 (Ala.Civ.App.1993), cert. denied, without op.(Ala.).

§ 34-26-42. Penalty for unlicensed person held out to public as psychologist or psychological technician. [Historical Notes](#) [References](#) [Annotations](#)

If any person holds himself or herself out to the public as being engaged in practice as a psychologist or psychological technician, such as clinical, counseling, school, or combined professional-scientific psychology, and does not then possess in full force and virtue a valid license to practice as a psychologist or psychological technician under this chapter, he or she shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Nothing in this chapter shall be construed to limit the professional pursuits of teachers in recognized public and private schools, clergymen, practitioners of medicine, social workers and guidance counselors from full performance of their professional duties. However, in such performance any title shall be in accord with this chapter. Students of psychology, psychological interns, or other persons preparing for the profession of psychology may perform as a part of their training the functions specified in this chapter, but only under qualified supervision. Use of psychological techniques by business and industrial organizations for employment placement, evaluation, promotion, or job adjustment of their own officers or employees or by employment agencies for the evaluation of their own clients prior to recommendations for employment is also specifically allowed. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in this chapter unless the services are performed or supervised by individuals duly and

appropriately licensed under this chapter.

(Acts 1963, No. 535, p. 1147, § 6; Acts 1997, No. 97-387, p. 619, § 3; Act 98-146, p. 230, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective October 1, 1997, deleted "the provisions of" in four places; in the first sentence inserted "a psychologist or psychological technician" in two places, inserted "or herself", substituted "practice as" for "the practice of psychology", deleted "psychologist" preceding "under", inserted "or she", substituted "one hundred dollars (\$100)" for "\$100.00" and substituted "five hundred dollars (\$500)" for "\$500.00", in the third sentence substituted "shall" for "must", and in the fifth sentence substituted "unless the" for "unless such"; and made nonsubstantive changes.

The 1998 amendment, effective March 11, 1998, in the first sentence substituted "holds" for "shall hold", substituted "counseling, school, or combined professional-scientific psychology, and does" for "consulting, industrial, educational, or counseling psychology, and shall", substituted "under this" for "under the", and inserted "Class C'."

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-4-.02 Board of Examiners in Psychology; License Renewal/Use of the License: Representation to the Public.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  5(1), 6(11.5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18, 33.

RESEARCH REFERENCES

ALR Library

72 ALR 5th 529, Qualification of Nonmedical Psychologist to Testify as to Mental Condition or Competency.

ANNOTATIONS

CASENOTES

Generally 1

1. Generally

The facts that clinical psychologist was not licensed to practice psychology in state and that practicing psychology in state without a license was a misdemeanor do not, by themselves, prevent psychologist from providing expert testimony during trial; the Rules of Evidence did not predicate expert testimony on the expert obtaining a license in state, courts have found that testifying in court did not constitute practicing psychology in state, and training, study, practice, and experience, rather than merely a license, effected whether an individual was considered an expert. *Wood v. State*, 891 So.2d 398 (Ala.Crim.App.2003), rehearing denied, opinion after remand, certiorari denied. Criminal Law ☒ 479

§ 34-26-43. Fees; disposition of revenues of board; payment of expenses. [Historical Notes](#)
[References](#)

There shall be paid to the board chair by each applicant for a permanent license to practice psychology a fee not to exceed two hundred dollars (\$200), and by each applicant for a permanent license to practice as a psychological technician a fee not to exceed one hundred forty dollars (\$140), as set by the board. No part of any fee shall be returnable under any circumstance other than failure of the board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees as outlined in Section 34-26-22 and all gifts or grants shall be deposited in the State Treasury to the credit of the board. Vouchers in payment of expenses shall be drawn on the State Comptroller signed by the chair or executive officer of the board. (Acts 1963, No. 535, p. 1147, § 12; Acts 1979, No. 79-106, p. 127, § 1(b); Acts 1987, No. 87-569, p. 893, § 2; Acts 1988, No. 88-216, p. 332, § 3; Acts 1997, No. 97-387, p. 619, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective October 1, 1997, substituted "chair" for "chairman", inserted "to practice psychology", substituted "two hundred dollars (\$200), and by each applicant for a permanent license to practice as a psychological technician a fee not to exceed one hundred forty dollars (\$140)" for "\$200.00", and substituted "chair or executive officer" for "chairman".


REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-4-.01, Board of Examiners in Psychology; License Renewal/Use of the License: License Renewal.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-26-43.1. Examination fee for candidates for licensure. [Historical Notes](#) [References](#)

The Board of Examiners in Psychology shall charge each candidate for licensure as a psychologist or psychological technician an examination fee sufficient to cover the entire actual costs of the examination of the applicant.

(Acts 1979, No. 79-106, p. 127, § 2; Acts 1987, No. 87-569, p. 893, § 3; Acts 1993, No. 93-151, p. 215, § 3; Acts 1997, No. 97-387, p. 619, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 6, 1993, substituted "sufficient to cover the entire actual costs of the examination of the applicant" for "not to exceed \$150.00."

The 1997 amendment, effective October 1, 1997 inserted "or psychological technician".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-26-44. Conduct of examinations. [Historical Notes](#) [References](#)

Examination of applicants for a license to practice as a psychologist or psychological technician shall be made by the board at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the qualifications of the applicant. The board shall require the examinations to be written or oral, or both. In any written examination the applicant shall be designated by a number instead of his or her name so that his or her identity shall not be disclosed to the members of the board until the examination papers have been graded. The board shall grade the written examinations returned by the candidates and shall keep them for at least one year. A candidate shall be held to have passed the examination upon the affirmative vote of three or more members of the board. Any unsuccessful candidate may, upon written request to the board, see his or her graded paper. (Acts 1963, No. 535, p. 1147, § 7; Acts 1997, No. 97-387, p. 619, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective October 1, 1997, inserted "or her" in three places, in the first sentence substituted "as a psychologist or psychological technician" for "psychology", deleted "of examiners in psychology" preceding "at least" and substituted "qualifications of the applicant" for "applicant's qualifications", in the second sentence substituted "both. In" for "both; provided, that in", and in the present third sentence substituted "the" for "such" following "examination".

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-3-.01 et seq., Board of Examiners in Psychology; Examination Process.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-26-45. Waiver of examination; persons licensed in other states. [References](#)

For a period of two years from October 1, 1963, the board may waive either or both an assembled examination or the other requirements of Section 34-26-41 if it deems such action to be in the public

interest and may grant the appropriate license upon payment of the required fee to any person who is qualified by experience to practice psychology and who has engaged in such practice of a nature satisfactory to the board for at least three years full time or its equivalent, within three years prior to October 1, 1963. At its discretion the board may at any time waive the assembled examination and grant the appropriate license upon payment of the required fee to any person who meets the requirements of Section 34-26-41 and who is qualified by educational and professional attainments to the satisfaction of the board if it deems such action to be in the public interest. The board may also at its discretion grant a certificate without an assembled examination to any person residing or employed in the state who at the time of the application is licensed or certified by a similar board of another state whose standards, in the opinion of the board, are not lower than those required by this chapter, or who has been practicing psychology in another state and has qualifications not lower than those required by this chapter, and is able to satisfy the board that to grant him a license would be in the public interest, or who has been certified by the American Board of Examiners in Professional Psychology.

(Acts 1963, No. 535, p. 1147, § 8.)

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-2-.08, Board of Examiners in Psychology; Application Process: Licensure of Applicants Licensed to Practice Psychology in Another Jurisdiction.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-26-46. Grounds for refusal of certificate or revocation or suspension of license. [Historical Notes](#)

[References](#) [Annotations](#)

(a) The board shall suspend, place on probation, or require remediation for any psychologist or psychological technician for a specified time, to be determined at the discretion of the board, or revoke any license to practice as a psychologist or psychological technician or take any other action specified in the rules and regulations whenever the board finds by a preponderance of the evidence that the psychologist or psychological technician has engaged in any of the following acts or offenses:

(1) Fraud or deception in applying for or procuring a license to practice as a psychologist or

psychological technician; or in passing the examination provided for in this chapter.

(2) Practice as a psychologist or psychological technician under a false or assumed name or the impersonation of another practitioner of a like or different name.

(3) Immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the board.

(4) Practicing as a psychologist or psychological technician in such a manner as to endanger the welfare of clients or patients.

(5) Conviction of felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence).

(6) Conviction of any crime or offense that reflects the inability of the practitioner to practice as a psychologist or psychological technician with due regard for the health and safety of clients or patients.

(7) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient.

(8) Engaging in sexual intercourse or other sexual contact with a client or patient.

(9) Use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence or area of specialization established by education, training, and experience as recognized by the board.

(10) Gross malpractice or repeated malpractice or gross negligence in practice as a psychologist or psychological technician.

(11) Aiding or abetting practice as a psychologist or psychological technician by any person not licensed by the board.

(12) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence).

(13) Exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party.

(14) The suspension or revocation by another state of a license to practice as a psychologist or psychological technician (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof).

(15) Refusal to appear before the board after having been ordered to do so in writing by the executive office or chair of the board.

(16) Making any fraudulent or untrue statement to the board.

(17) Violation of the code of ethics adopted in the rules and regulations of the board.

(18) Upon the recommendation of the Ethics Committee of the Alabama Psychological Association, or of its successor organization, or the Ethics Committee of the American Psychological Association.

(19) Inability to practice as a psychologist or psychological technician with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

(20) Engaging in practice as a psychologist or psychological technician before a license is issued.

(21) Failure to engage in continuing education or failure to pay fees for registration of continuing education credits.

(22) Practice of a level of psychology inappropriate or beyond the scope of the particular license held by the licensee.

(23) Failure to comply with any of the respective responsibilities of a supervisor or supervisee as provided in this chapter.

(b) When the issue is whether or not a psychologist or psychological technician is physically or mentally capable of practicing as a psychologist or psychological technician with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the board that the psychologist or psychological technician is not capable of practicing psychology with reasonable skill and safety to patients, the board may petition a court of competent jurisdiction to order the psychologist or psychological technician in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. The psychologist and/or physician is to be designated by the court. The expense of the examination shall be borne by the board. Where the psychologist or psychological technician raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist or psychological technician shall be permitted to obtain his or her own evaluation at his or her own expense. If the objectivity or adequacy of the examination is suspect, the board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist or psychological technician licensed to practice in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

(c) The board may assess the cost of any investigation, legal service, legal proceeding, or disciplinary action against any applicant or licensee found to be in violation of this chapter.

(d) The Board of Examiners in Psychology may refuse to grant a certificate, or may recommend suspension of any license for a definite period not to exceed three years. The board may, upon satisfactory proof that any applicant or licensee has been guilty of any of the above offenses, refuse to grant a certificate to the applicant or may recommend revocation of a license of the licensee upon a vote of at least four members of the board. After three years from the date of a revocation, an application for reinstatement may be made to the board, and it may, upon favorable action by four of its members, recommend reinstatement.

(Acts 1963, No. 535, p. 1147, § 9; Acts 1988, No. 88-216, p. 332, § 3; Acts 1997, No. 97-387, p. 619, § 3; Act 98-146, p. 230, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective October 1, 1997, redesignated subsection (b) as subsection (c); redesignated the undesignated subsection as subsection (b); inserted "or psychological technician" in nineteen places; substituted "as a psychologist" for "psychology" in ten places; in subsection (a), in subdivision (2) substituted "Practice" for "The practice of", in subdivision (10) substituted "practice as a psychologist" for "the practice of psychology", in subdivisions (11) and (20) substituted "practice" for "the practice of", in subsection (18) substituted "Psychological Association, or of its successor organization," for "psychological association", and added subdivision (22); in subsection (b), as so designated, in the second sentence substituted "The" for "Such", in the third sentence substituted "of the" for "of such", in the fourth sentence substituted "his or her own" for "the psychologist's", and in the final sentence deleted "psychology" preceding "in the state"; in subsection (c), as so redesignated, in the first sentence deleted "such" preceding "license", in the second sentence substituted "The" for "Said" and substituted "the" for "said" in two places, and in the final sentence deleted "such" following "recommend"; and made nonsubstantive changes.

The 1998 amendment, effective March 11, 1998, in subsection (a), in the introductory material deleted "have the power and duty to" preceding "suspend", substituted "revoke" for "to revoke", substituted "take" for "to take" and substituted "finds" for "shall find", in subdivision (20) substituted "Engaging" for "Engaged" and substituted "is" for "was", and added subdivision (23); redesignated subsection (c) as subsection (d); and added subsection (c).

REFERENCES


ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-3A-.01 et seq., Board of Examiners in Psychology; Continuing Education.

18 Ala. Admin. Code 750-X-6.01 et seq., Board of Examiners in Psychology; Standards for Professional Conduct.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  5(2), 11.2.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24, 38-42.

ANNOTATIONS

CASENOTES

Generally 1

1. Generally

Prior to 1988, the Alabama Board of Examiners in Psychology was without authority to prohibit psychologist from holding herself out as a clinical psychologist; the board's authority with respect to certification was addressed for the first time by the 1988 amendment, thus, board's later decertification action against petitioner who they initially licensed in 1984 must fail. *Ex parte Givens*, 576 So.2d 1277 (Ala.1991), on remand 576 So.2d 1278.

§ 34-26-47. Notice and hearing required prior to refusal, revocation or suspension. [References](#)

The board may not recommend suspension or revocation of licensure or refuse to issue or to renew any certificate for any cause listed in Section 34-26-46 unless the person accused has been given at least 20 days' notice in writing of the charge against him and a public hearing by the board. The written notice shall be mailed to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. Upon such a hearing the board may administer oath and procure by its subpoenas the attendance of witness and the production of relevant books and papers.

(Acts 1963, No. 535, p. 1147, § 10.)

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-4-.01, Board of Examiners in Psychology; License Renewal/Use of the License: License Renewal.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  5(2), 11.3(1, 4).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24, 43-45, 50.

§ 34-26-48. Review of action of board. [References](#)

Any action of, or ruling or order made or entered by the board declining to issue a certificate, declining to recommend licensure or recommending suspension or revocation of a certificate or license shall be subject to review by the courts of this state in the same manner and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No such appeal while pending appropriate court action shall supersede such revocation or suspension.

(Acts 1963, No. 535, p. 1147, § 11.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  5(2), 11.3(5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24, 51-52.

ARTICLE 4. SUPERVISORY PRACTICE OF LICENSED PSYCHOLOGICAL TECHNICIAN; QUALIFICATIONS; DUTIES; EDUCATIONAL DEGREE REQUIREMENTS; MANDATED SUPERVISION; UNLAWFUL PRACTICE PROHIBITED.

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this article became effective March 11, 1998.

§ 34-26-60. Scope of supervision; qualifications of supervisors. [Historical Notes](#) [References](#)

(a) The scope of mandated supervision shall depend upon the specific areas of practice, experience, and training of the supervisee. Mandated supervision shall assure that an appropriate professional standard is being applied to the solution of the problem of a client, and that the laws that govern the practice of psychology and the ethics that guide the practice are understood and followed. The scope of mandated supervision may include enhancement and refinement of previously learned skills, but shall not include

introductory training of a supervisee in additional skills, methods, or interventions. Supervision shall include consideration of all of the following areas:

- (1) Ethical, legal, and professional standards.
- (2) Technical skills and competency.
- (3) The utilization of supervision by a supervisee.
- (4) The ability of a supervisee to function independently or with reduced supervision.

(b) Specific supervision shall not be required for each person evaluated or treated, or for every treatment, evaluative technique, or professional activity undertaken. Supervisors shall be required to co-sign reports and other appropriate documents.

(c) A licensed psychologist shall be recognized by the board as an appropriate supervisor for a psychological technician supervisee. The board may disapprove of an otherwise qualified psychologist acting as a supervisor for any of the following reasons:

- (1) Evidence that he or she is not competent or qualified to supervise a supervisee.
- (2) Evidence that he or she has failed to adhere to ethical or legal standards of the profession.
- (3) Evidence that there is a lack of congruence between the training, experience, and area of practice of the proposed supervisor and the proposed area of practice of the supervisee.
- (4) Evidence that he or she has a license against which disciplinary or remedial action has been taken.

(Act 98-146, p. 230, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective March 11, 1998.

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-6.01 et seq., Board of Examiners in Psychology; Standards for Professional Conduct.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  10.

Corpus Juris Secundum:

§ 34-26-61. Duties -- Supervisors. [Historical Notes](#) [References](#)

(a) A licensed psychologist acting as a supervisor shall perform all of the following duties:

(1) Offer and provide supervision only within the area of his or her competence and assure that his or her professional expertise and experience is congruent with the practice of the supervisee.

(2) Prior to beginning supervision, enter into a written agreement with the supervisee on a board adopted supervision contract form which details the obligations of the supervisee as well as the responsibilities of the supervisor to the supervisee. This form shall be filed with and accepted by the board.

(3) Direct the supervisee to practice only within the areas for which he or she is qualified by education, training, and supervised experience.

(4) Establish and maintain a level of supervisory contact consistent with established professional standards and remain accessible to the supervisee.

(5) Direct the supervisee to keep him or her informed of services provided by the supervisee.

(6) If he or she has reason to believe that the supervisee is practicing in a manner which indicates that ethical or legal violations have been committed, he or she shall proceed as prescribed by the most recent version of the Code of Ethics of the American Psychological Association.

(7) Maintain a clear and accurate record of supervision with a supervisee that protects the confidentiality of the clients of the supervisee.

(8) Report annually on the required form to the board that the agreed upon supervision has occurred.

(9) File a final supervision report with the board within two weeks of the termination of supervision.

(10) Insure the written notification to clients or patients of the supervisory process, including the disclosure of clinical information to the supervisor and the means by which the supervisor may be contacted.

(b) Failure to comply with any of the duties specified in subsection (a) shall constitute a violation of this chapter.

(c) To maintain the professional nature of the supervision, a familial or strong personal relationship between the supervisor and his or her supervisee is prohibited, except in extraordinary circumstances such as the lack of availability of any other qualified supervisor. In such cases, the board shall require documentation that no other supervision is available and shall require reference letters from colleagues commenting on the appropriateness of the supervisory relationship.

(Act 98-146, p. 230, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective March 11, 1998.

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 750-X-6.01 et seq., Board of Examiners in Psychology; Standards for Professional Conduct.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-26-62. Duties -- Supervisees. [Historical Notes](#) [References](#)

(a) A psychological technician supervisee shall perform all of the following duties:

(1) Enter into a written agreement with the supervisor, using a board adopted supervision contract form, which details the obligations of the supervisee as well as the responsibilities of the supervisor to the supervisee. This form shall be filed with and accepted by the board prior to practice.

(2) Attend scheduled supervision sessions.

(3) Provide the supervisor with a disclosure of psychological services being offered or rendered by him or her.

(4) Cooperate with the supervisor to assure that all conditions of the supervision are fulfilled.

(5) Provide the supervisor with information necessary for the supervisor to advise him or her on cases presenting professional, ethical, or legal concerns.

(6) File a revised supervision contract form within 45 days of a change in the conditions specified in the supervision contract form on file with the board.

(7) Obtain a written, signed consent from each patient or client that informs them of the supervisory process.

(b) Failure to comply with any of the duties specified in subsection (a) shall constitute a Class C misdemeanor.

(Act 98-146, p. 230, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective March 11, 1998.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-26-63. Practice outside state; supervision contract form; final report; additional supervision.[Historical Notes](#) [References](#)

(a) A psychological technician who practices in a jurisdiction outside of the state shall not be required to receive supervision for services rendered in that jurisdiction so long as the services are rendered in a manner consistent with the legal requirements of the jurisdiction.

(b) The initial supervision contract form shall be filed with and accepted by the board prior to any practice.

(c) An amended written supervision contract form shall be filed with the board within 45 days of any change in the conditions specified in the supervision contract form on file with the board. Additionally, within 14 days after receiving written notification from the board that the filing of a new supervision contract form is necessary to provide for the protection of the public or the regulation of the practice of psychology, an amended written supervision contract form shall be filed with the board. A supervision contract form shall document either that supervision is required and is received, or that supervision is not required. A separate supervision contract form shall be filed for each separate work setting. If receiving supervision from more than one supervisor to meet minimum requirements, a separate supervision contract form shall be filed for each individual supervisor.

(d) A supervisor shall report to the board that agreed upon supervision has been provided and shall file a final report with the board upon the termination of supervision. If a psychological technician is not receiving supervision, it is his or her responsibility to report that fact to the board within 14 days. A report shall be submitted to the board within 14 days after receiving written notification from the board that a report is due, within 14 days after the termination of supervision, and within 45 days after a change in the

conditions specified in the supervision contract form on file with the board.

(e) Additional supervision and reporting to the board may be required if previous evaluations or other information suggest possible problems with the competence or ethical standards of the supervisee. Additional documentation or an interview with the board or a designated representative of the board may be required if questions arise regarding the practice of the supervisee.

(f) Supervision shall be provided in face-to-face and primarily one-on-one sessions by the supervisor of record. The rate of supervision specified in this section shall be provided for each separate work setting in which the psychological technician supervisee engages in an activity requiring supervision.

(Act 98-146, p. 230, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective March 11, 1998.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-26-64. Supervision requirements. [Historical Notes](#) [References](#)

Minimum supervision requirements are as follows:

(1) Level I. For a psychological technician with less than two calendar years of supervised practice as a licensed psychological technician, consisting of at least 3,000 hours of supervised practice, minimum supervision shall be provided as follows:

a. If the number of hours per month spent engaging in activities requiring supervision is one to 20, inclusive, the number of required hours of supervision per month shall be two.

b. If the number of hours per month spent engaging in activities requiring supervision is 21 to 30, inclusive, the number of required hours of supervision per month shall be three.

c. If the number of hours per month spent engaging in activities requiring supervision is 31 to 40, inclusive, the number of required hours of supervision per month shall be four.

d. If the number of hours per month spent engaging in activities requiring supervision is 41 to 60, inclusive, the number of required hours of supervision per month shall be five.

e. If the number of hours per month spent engaging in activities requiring supervision is 61 or greater, the number of required hours of supervision per month shall be six.

(2)a. Level II. For a psychological technician with a minimum of two calendar years of supervised practice as a licensed psychological technician, consisting of at least 3,000 hours of supervised practice, minimum supervision shall be provided as follows:

1. If the number of hours per month spent engaging in activities requiring supervision is one to 20, inclusive, the number of required hours of supervision per month shall be one.

2. If the number of hours per month spent engaging in activities requiring supervision is 21 to 60, inclusive, the number of required hours of supervision per month shall be two.

3. If the number of hours per month spent engaging in activities requiring supervision is 61 to 100, inclusive, the number of required hours of supervision per month shall be three.

4. If the number of hours per month spent engaging in activities requiring supervision is 101 or greater, the number of required hours of supervision per month shall be four.

b. To be approved by the board for Level II supervision, a psychological technician shall do all of the following:

1. Make application to the board on an application form provided by the board.

2. Have received at least one calendar year of supervision from his or her most recent supervisor.

3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.

(3)a. Level III. For a psychological technician with a minimum of seven calendar years of supervised practice as a licensed psychological technician, consisting of at

least 10,500 hours of supervised practice, minimum supervision shall be provided as follows:

1. If the number of hours per month spent engaging in activities requiring supervision is one to 50, inclusive, the number of required hours of supervision per month shall be one.

2. If the number of hours per month spent engaging in activities requiring supervision is 51 or greater, the number of required hours of supervision per month shall be two.

- b. To be approved by the board for Level III supervision, a psychological technician shall do all of the following:

1. Make application to the board on an application form provided by the board.

2. Have received at least one calendar year of supervision from his or her most recent supervisor.

3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.

(4)a. Prior to September 1, 2000, a licensed psychological technician with a minimum of two calendar years of supervised practice, consisting of at least 3,000 hours of supervised practice by a licensed psychologist, may apply for Level II supervision status.

- b. To be approved by the board for this Level II supervision status, a psychological technician shall do all of the following:

1. Make application to the board on an application form provided by the board.

2. Have received at least one calendar year of supervision from his or her most recent supervisor.

3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.

(5) Contract and report forms shall be provided by the board.

(Act 98-146, p. 230, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective March 11, 1998.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-26-65. Psychology program requirements. [Historical Notes](#) [References](#)

Prior to September 1, 2000, the degree program of the applicant shall be publicly identified and clearly labeled as a psychology program. On and after September 1, 2000, the degree program of the applicant shall meet all of the following requirements:

- (1) The program shall be publicly identified and clearly labeled as a psychology program.
- (2) The program shall maintain clear authority and primary responsibility for the core and concentration areas whether or not the program crosses administrative lines.
- (3) The program shall have an identifiable body of students in residence at the institution who are matriculated in the program for degree purposes.
- (4) The program shall have an identifiable full-time psychology faculty in residence at the institution, sufficient in size and breadth to carry out the responsibilities of the program, and employed by and providing instruction at the main campus of the institution.
- (5) There shall be a psychologist responsible for the program as the administrative head of the program, the advisor, a major professor, or the committee chair.
- (6) The program shall be an integrated, organized sequence of study in psychology as demonstrated by an identifiable curriculum track or tracks wherein course sequences are outlined.
- (7) The program shall encompass the equivalent of a minimum of two academic years, at least one of which shall be one academic year of full-time graduate study in student residence at the institution from which the degree is granted. Residence requires interaction with psychology faculty and other matriculated psychology students. A one year residency shall consist of 30 semester hours or 45 quarter hours taken on a full-time or part-time basis at the institution.
- (8) The program shall include practica or other field experience appropriate to the area of specialty and practice as a psychological technician. This experience shall satisfy all of the following criteria:
 - a. The experience shall be a planned or directed program of training in

psychology, in contrast to on-the-job training, and shall have provided the trainee with a planned and directed sequence of training integrated with the educational program in which the trainee is enrolled. The training shall be planned by the faculty of the program rather than by the trainee.

b. The training site shall have a clearly designated and licensed psychologist who is responsible for the integrity and quality of the training program.

c. The training shall last a minimum of six months and consist of at least 500 hours of supervised training. At least 50 percent of the training shall be spent in direct contact with patients or clients.

d. The training program shall have a written program description detailing the functioning of the program and shall be approved by the psychology program of the trainee before training occurs.

e. The training site staff shall provide a minimum of one hour per five hours of client contact of face-to-face, primarily individual, regularly scheduled supervision, overseeing the training experience.

f. Supervision may be provided in part by psychiatrists, social workers, or other related professionals qualified by the training site. At least 60 percent of the supervision shall be provided by a licensed psychologist.

g. A person enrolled in a training program shall be designated as a practicum student, or any other designation which clearly indicates training status.

(9)a. The program shall include a minimum of 45 semester hours or 68 quarter hours of graduate study in standard psychology courses, including courses drawn from academic psychology, such as social, experimental, physiological, developmental, history and systems, and statistics and research design.

1. Of the required semester or quarter hours, not more than six semester or nine quarter hours shall be credited for practicum and not more than six semester or nine quarter hours shall be credited for thesis.

2. No credit shall be allowed for audited courses or courses taken at an institution which is not a regionally accredited institution of higher education.

b. An applicant whose credentials have been approved by the board for examination at the licensed psychologist level may be issued a license as a psychological technician if the applicant fails an examination at the licensed psychologist level but passes the examination at the licensed psychological technician level. To receive this license, the applicant shall file all required application materials with the board for licensure at the psychological technician level.

(Act 98-146, p. 230, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective March 11, 1998.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-26-66. Violations. [Historical Notes](#) [References](#)

After one year from March 11, 1998, no person shall hold himself or herself out to the public as a licensed psychological technician or practice as a psychological technician unless licensed by the board. Failure to comply with this section shall constitute a Class C misdemeanor.

(Act 98-146, p. 230, § 5.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section became effective March 11, 1998.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28.

Board Members



ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

660 Adams Ave., Suite 360
Montgomery, AL 36104
(334) 242-4127



March 28, 2007

Roster of Board Members for the period October 1, 2005 to the present:

<u>NAME AND ADDRESS</u>	<u>EXPIRATION OF TERM</u>	<u>DATE OF APPOINTMENT</u>
Mr. George E. Taylor, Jr. Shared Goals, LLC 2632 Swiss Lane Birmingham, AL 35226	9/30/2002	10/01/1997
Clara Gerhardt, M.B.A., Ph.D., Chair Samford University Department of Family Studies 800 Lakeshore Drive Birmingham, AL 35229-2239	1/15/2008	1/16/2003
Pamela R. Snider, Ph.D., Vice-Chair 4754 Woodmere Blvd., Suite B Montgomery, AL 36106	1/15/2010	6/22/2005
Terasa Lynn Davis, Psy.D. P.O. Box 102 Coker, AL 35452	1/15/2011	1/16/2006 (Re-appointment)
Marian F. Hargrove, Ph.D. 4750 Woodmere Blvd., Suite C Montgomery, AL 36106	1/15/2009	1/15/2004
Larry W. Bates, Ph.D. Box 5255 UNA Florence, AL 35632	1/15/2012	1/15/2007 (Re-appointment)

<u>NAME AND ADDRESS</u>	<u>EXPIRATION OF TERM</u>	<u>DATE OF APPOINTMENT</u>
Ms. Helen C. Finley 916 Winchester Dr. Birmingham, AL 35235	1/15/2010	6/22/2005
Joseph Alan Taylor, M.S. 1826 Vaughn Lane Montgomery, AL 36106	1/15/2010	3/02/2007